

DOG AMENDMENT BILL 2013

Second Reading

Resumed from 19 September.

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [2.23 pm]: It was not intended that I be the lead speaker on the Dog Amendment Bill 2013; it would normally be carried by my colleague Hon Stephen Dawson, but he is out of the house on urgent parliamentary business so I have taken it up in his place. I need to say that he received the briefing and did the preparatory work for this contribution.

In 2012, another version of this bill was introduced into the thirty-eighth Parliament; however, it did not pass before Parliament was prorogued and therefore this version had to be introduced after the election. All the consultation and work with the respective stakeholders was done for the first version of the bill back in 2012.

The amendments have been some time in the making. I am advised that in recent years there have been two lots of consultation, during which more than 1 500 submissions were received, and members are aware of various petitions that have been circulating about the changes proposed in this bill. There have been some thousands of signatures to those petitions, which is reflective of the central role that dogs play in the lives of humans, and that for many of us our dogs are in fact members of the family. So any laws that go to changing how dogs are to be treated generate a lot of interest and emotion, and a lot of people feel very strongly about the changes proposed in this bill.

The minister's second reading speech and explanatory memorandum tell us that the bill will introduce amendments in four areas related to improving community safety through increased controls over dangerous dogs and higher penalties designed to encourage more responsible dog ownership. There are also amendments around nuisance barking—which would have been useful to me at about 3.00 am on Wednesday—and amendments relating to the recognition of assistance dogs as an extension of the guide dog provisions; and amendments relating to microchipping, lifetime dog registrations, and impounding provisions.

Because he is not in this place and has given me his speech notes, I am going to put on the record that Hon Stephen Dawson is the proud owner of Jackson—a miniature German schnauzer. Jackson is a favourite of Hon Stephen Dawson's sister's four kids, who are also named in his speech notes—Eva, Max, Lucy and Sophie; there we go, I got them into *Hansard*! The notes also state that Jackson is a very placid dog with a good temperament, and he is fantastic around Hon Stephen Dawson's nieces and nephews, but there is no doubt—as any reasonable dog owner would know—that Jackson should not be left alone with young children. Hon Stephen Dawson wanted to make that point.

It is important to note that one step alone—so just kind of banning specific breeds—is not of itself going to eradicate the risk that children in particular face from attacks. I will refer to a couple of bits of information, the first of which is a factsheet from Kidsafe Queensland. Under the heading “What dogs are involved” it reads —

Any sort of dog can pose a risk to children and babies. A study conducted by fifth year medical students at the University of Western Australia in 1999, looked at dog attack presentations to Princess Margaret Hospital for Children's Emergency Department between July 1998 and August 1999. Their study identified 21 different breeds of dog involved in attacks on children.

The study listed the respective frequencies. Those kinds of attacks have generated the need for some kind of legislative response to address those issues. Governments across Australia have given consideration to, for example, controlling the importation of some breeds of dog and introducing new dog control laws.

The other thing worth referring to is the factsheet prepared by the Australian Veterinary Association in August 2012. Under the heading “Dangerous dogs — a sensible solution”, reference is made to a report that outlines the scientific evidence about dog bite incidents, and it explores the factors that influence a dog's tendency to bite. The factsheet reads —

The key element of the strategy is the early identification of potentially aggressive dogs on an individual basis. The report sets out the legislative framework to incorporate regulation of ‘potentially dangerous dogs’ as well as ‘dangerous dogs’ that have demonstrated aggression towards people or other pets. Experience from around the world has shown that a truly successful dog bite prevention regime cannot rely on regulation alone. Its success depends on a comprehensive system of measures that support socially responsible pet ownership

- Effective identification and registration of all dogs
- A national reporting system to track dog bite incidents consistently with mandatory reporting of dog bite incidents to the national database

- Temperament testing encouraged by reduced registration costs, and able to be mandated by animal control authorities
- Education of the whole community including pet owners, breeders, parents and children as research has shown that education is effective in reducing dog bite incidents
- Adequate enforcement and resourcing to ensure compliance.

The next bit I think is the most critical. It states —

Most dog bites take place in homes with familiar family pets and most people bitten by dogs are children under 10 years of age. No bite prevention strategy can be successful without taking steps to reduce these incidents, numerically far greater than bites taking place in public places and caused by unknown dogs.

That is a useful thing to bear in mind. Although many of the horrific media stories of the terrible results of dog bites have been attacks on young children, there have been, certainly quite recently, a number of reports about attacks on either smaller dogs or their owners by strangers' dogs while people are walking their dogs. They are traumatic and terrible incidents, but the research clearly shows that the dog that children are most familiar with is most likely to be the dog that causes some kind of incident. That really goes to supervision and to recognising that despite how close that dog is to members of the family, it is still an animal and it is still able to cause significant damage. It really goes to responsible dog ownership and supervision.

Although it is important that we put in place this set of laws and we change the things that will be changed through the bill before us, we need to recognise that it is about getting the balance right. No law and no strategy will completely eradicate the behaviour of an animal. However, we support the bill because we think we need to take some further steps to update the laws in WA and we need to encourage more proactive dog ownership. One of the useful things that have happened already is the debate that the bill has generated so that the public is encouraged to supervise and train dogs properly.

One of the elements of the bill that I want to touch on that relates to one of the fantastic things that dogs do in our community is the role of assistance dogs. Many people in the chamber may have met Peter Darch from Mandurah. He now works in the youth employment area. He works in small groups and one on one with young people who are disconnected and disengaged from the labour market in the southern suburbs. Peter has a disability and he has an assistance dog. I first met him in 2006 or 2007. The dog has been an important part of Peter's life. The dog not only assists Peter at home and with his mobility, but also is an important part of Peter's ability to participate in the labour market. Peter's ability to participate in the labour market is absolutely critical to him having a valuable and dignified life and the same aspirations that the rest of us have, which is to work in the area that we are interested in and make a contribution to society. The extent to which this bill extends the recognition of the role that those assistance dogs play is a really good thing. It is important for people to recognise that this bill is not just about controlling and trying to do something about dangerous dogs and about reducing the risks that those dogs pose from time to time; it has this other element about recognising assistance dogs, and that is a really positive thing.

The dog owner is the person who is ultimately responsible, not the dog. Humans are responsible for ensuring that their dog is well trained and well supervised, particularly when around small children, even if the children have known the dog since it was a puppy or the dog has known the children since they were born. It is all about responsible dog ownership. These laws are important because they will take us one step further in trying to enforce responsible dog ownership. That is important, but we have to recognise that, ultimately, we are talking about people taking responsibility for how they manage their dogs. With those comments, I indicate that the opposition supports the legislation.

HON LYNN MacLAREN (South Metropolitan) [2.34 pm]: The Dog Amendment Bill 2013 was first debated in 2012. It got to the second reading stage, as Hon Sue Ellery has just announced. It is now almost the end of 2013 and the bill was raised in the community in June, so we have known for quite some time that it was coming. It has been a long time since we last amended the Dog Act. My first comment is: thank you very much for amending the Dog Act. It is a really good step forward. It builds on many of the policies implemented in the Cat Act, which we dealt with in the sittings of the previous Parliament. This is a big step forward, but there is one concern that the Greens have about the breed-specific legislation provisions.

I will recap that the purpose of the bill is, of course, to amend the Dog Act 1976—that was a long time ago—and the Residential Tenancies Act 1987, which we also amended not too long ago. The bill also repeals the Dog (Restricted Breeds) Regulations (No. 2) 2002. It introduces a range of measures for the stricter control of dangerous dogs, covering restricted breeds, individual dogs that have been declared dangerous and commercial security dogs. It also bans the sale, transfer and breeding of a dangerous dog (restricted breed). It delivers many improvements in the ability of local governments to deal with the nuisance that is caused by barking dogs. I

know that the community and the rangers will welcome that provision. The bill requires the microchipping of new dogs from 1 November 2013 and all other dogs from November 2016. There is an expansion of the provisions for assistance dogs to accommodate new types of trained assistance dogs. It is hard to believe that the previous legislation dealt with only guide dogs, and of course there are many different kinds of assistance dogs working with us in the community on a daily basis, so this bill will lead to new freedoms for people who depend on assistance dogs. There are new provisions to enable retired racing greyhounds to safely return to the community as household pets. That is a very innovative solution that this state government has introduced. I do not believe that any other state has taken that on board, so the minister is to be commended for that creative solution to deal with the many greyhounds that are in families as part of their rehabilitation post-retirement.

There are increased penalties for offences under the act, with minimum penalties stipulated for offences in relation to dangerous dogs, and the introduction of a criminal offence when a dangerous dog kills a person or puts a person's life in danger. These are all welcomed by members of the community who have been concerned by various media reports of late of the very vicious dog attacks in our community. This is a good provision.

There are new provisions to enable courts to impose a requirement for dog owners to attend and complete a dog training course in place of or in addition to a penalty. Hon Sue Ellery reflected on this issue too. A dog is highly influenced by its surroundings and its owner. It could be a vicious or dangerous dog or it could be a very placid and loving family dog. We support any efforts that the government and local governments make to increase community education around dog ownership. In this area, the Dog Act differs from the Cat Act. People do not worry too much about a vicious cat.

But if you have a vicious dog in your house it can be a life-threatening challenge, especially to small people. In that regard we probably do need some special rules for dogs. But I remind the house that when we debated the Cat Bill 2011 I argued that we should do a companion animal bill because of lot of these provisions were in the Cat Bill, including the bits about rangers, training, education, penalties and registration. If we truly modernised our legislation, we could have a companion animal bill that dealt with whatever species of companion animal people have. But in this case we are just focusing on dogs.

Hon Michael Mischin: Goldfish and budgies as well?

Hon LYNN MacLAREN: Perhaps the Attorney General has an amendment regarding goldfish and budgies. By way of introduction I think he was trying to introduce that as a potential for legislation in this state. The Greens will support this bill—there is one for you guys—and we support the updates. Reading through the legislation it is definitely apparent that there are certain provisions that I will support on behalf of the Greens, which members will see if they look at our policies. Many of the changes do improve safety and they put the responsibility on the owner. It does give greyhounds a second chance at a happy and fulfilling life in a family.

I also acknowledge the provision that expands to accommodate for the differing types of assistance dogs. I will not go into more detail because Hon Sue Ellery dealt with that. There is no denying that throughout history dogs have served as lifetime companions to humans and there are many benefits to having a dog, both physical and psychological. Unfortunately for some, the amendments in this act will make it more difficult and more expensive to own a dog in Western Australia. I acknowledge that these amendments mean that the owner is more accountable for their dog; the owner might put more thought and consideration into making a commitment to own a dog and have that lifetime responsibility. It is also more likely that the owner will have their dog returned to them should their dog go missing because of the identification requirements that we are putting in place. These are all great outcomes and the Greens support them.

Owning a dog can be a carefully deliberated decision and the benefits of ownership are vast and varied. The RSPCA is not so supportive of this legislation because it feels we are going down the track of breed-specific legislation. It is one of the negatives of this bill because we have not quite managed to achieve what we could have with the modernisation of the bill. I will briefly touch on the benefits of having a dog because it is important that we pass this legislation. People who own a dog have fewer visits to the doctor and use fewer medications. One Australian study about the ownership of cats and dogs stated that we save approximately \$3.8 billion in health expenditure over one year due to pet ownership. Statistically, pets are making us not only a healthier community, but are also reducing the overall cost of health to government. As the Greens spokesperson for mental health, I mentioned in my second reading speech for the Cat Bill 2011 that pet owners suffer less depression and are able to better cope with grief and loss than non-pet owners. I mention this again because I believe this is one of the best benefits of pet ownership.

Other benefits include enhanced social skills, stronger immune systems and a reduced risk of allergies and asthma. Kids are even less likely to take days off school. Let us not forget that we live in a time when people do not even know who their next door neighbours are; people are having difficulty connecting. Nothing sparks up a conversation better than two dogs playing with each other down at the local park. In fact, in lots of parks in my neighbourhood, community groups have developed over walking their dogs at South Beach for example, or

further down the coast at Cockburn. I would like to acknowledge that having a dog encourages people in the community to get out there and enjoy the green spaces that we have managed to retain in our city.

I grew up with little dogs. My family had a poodle named Pepe, who was rescued. Poodles have an issue with their backs; if they jump on things, over time they weaken their spinal cord. Pepe was a disabled dog; she was a dog with disabilities before she died. She was with us a long time, but we had that gap in our lives so we rescued another dog named Brandy. Brandy was a gorgeous little brandy coloured dog but God knows what the breed was; I have no idea. She gave us a lot of delightful companionship and again, died of old age in the family home.

Hon Ljiljanna Ravlich: Are you sure you were not killing them?

Hon LYNN MacLAREN: No. I have news for you, Ljil: we are all going to head there someday. There is no denying that a household pet can add an extra layer of positivity to a family household. It gets rid of that sense of loneliness if a person lives alone. It also gives an opportunity to connect with people. Upon researching the bill, I have discovered even more benefits to dog ownership including learning about the extended types of assistance dogs and what dogs can help with. Can members believe that a dog can sniff out when a child's sugar levels are low? The first time I heard that was in our briefing with the department and I thank the minister for that briefing. A dog can trot around with a kid living with diabetes and give him a nudge to tell him when he needs more sugar. Dogs can help manage a person's insulin levels—that is incredible. I wonder what the process is to teach a dog to do that. I would love to see how that works. I recently read an article about a rescued pit bull terrier that saved a child by alerting his mother that her son's sugar levels were low. The article undoubtedly conflicts with some parts of this bill which unfairly, we believe, discriminate against the pit bull terrier. I will be putting forward amendments to this bill that ensure that a dog is punished by the deed not the breed. If a restricted breed is deemed to not be dangerous by an accredited trainer, it should be able to lead a normal existence, free of the extra restrictions that essentially punish it and the owner before it even commits a crime.

I point out that the Greens support the microchipping provisions and we support the establishment and maintenance of universal registration. Provisions that insist that all new dogs must be microchipped by 2013 and all dogs by 2015 will certainly increase accountability whilst helping to stop dogs that are part of a loving family environment being euthanased when the owner cannot be identified. It is safe to say that this is sad and completely unnecessary; it is a cause of death that we should no longer permit in our society. We can do something to prevent these deaths.

I do not know whether the minister has been contacted by the WA Rangers Association. Last week I asked them whether there will be extra duties that they will have to undertake. The response from the minister was that they will not have extra duties; however, I did receive a letter from WARA expressing their concern that they did have extra duties. There may be a miscommunication there and the things they believe are extra duties may need to be identified and some extra training may need to be provided. That would be something I would like a response to, because it is WA rangers who are going to implement this and we really need to know they are skilled enough to do it and we need to give them the time and support to be able to do that.

One positive added responsibility is the proposed increased capacity for rangers to check the microchip while they are out in the field. This came up in the Cat Bill as well. Are rangers going to be outfitted with a scanner and how will they find out how to return a dog to its owner?

Sometimes a dog could be found just down the street, 100 metres from its home, but if rangers do not have the proper technology to check the microchip, or perhaps the collar registration has been lost, the ranger has to go all the way back to the depot, read the chip and then deliver the dog. Microchipping is a good thing, but rangers may need to be fitted out with readers. These provisions will incur extra costs for taxpayers, but there are benefits to dog ownership and we should support these changes.

Another provision of this bill will allow rangers to enter premises if they need to check on the welfare of dogs. Rangers must identify those dogs as belonging to a restricted breed or a dangerous dog, and it is that identification process that I asked questions about last week. How can a pit bull, for example, be identified by sight? The answer the minister provided was that rangers will not be required to do that. I would like more explanation about how pit bulls will be identified in the field, because there are different ways of treating those dogs. Five breeds of dog have been specified as restricted breeds. There has been a lot of lobbying on this, especially on the DNA analysis of dogs and the difficulties in determining the breed of a dog. There are a lot of crossbred dogs and this bill provides that even crossbred pit bull dogs are included in the definition of restricted breed. That is one matter on which this legislation did not result in what I hoped it would, to protect the community from dangerous dogs, because that provision will be impossible to implement. It will be impossible to be either determine on sight or with a DNA test whether a dog is a pit bull. Officers of the Department of Local Government tried to reassure me that WA rangers have adequate training and are comfortable about identifying these breeds; however, there is concern among rangers. A letter they wrote to me clearly states that unfortunately with the increased responsibilities extra training needs should be funded by the state government

and that dangerous dog and restricted breed training should be required as a minimum if rangers are to identify restricted breeds.

Briefly, on a good note, and to let the government know that rangers do like this bill, the overall stance of rangers on the Dog Amendment Bill is that they do welcome the changes. The rangers state that they believe the changes —

1. Increase community safety.
2. Provide greater powers to Authorised Officers.
3. Address key issues of concern with dangerous dogs.
4. Create greater penalties for offenders.
5. Provide common-sense workable legislation to deal with nuisance dogs.

The only down side is the extra work it puts on Local Governments to enforce the Act and to maintain compliance.

The WA Rangers Association believes the amendments do provide stricter control of dangerous dogs: covering restricted breeds, individuals' dogs that have been declared dangerous, and commercial security dogs. The amendments do create improvements in the ability for local governments to deal with dog nuisance complaints caused by barking dogs;

Another point the WA Rangers Association made was about registered training organisations and the nomenclature in the bill that refers to certified trainers, and that it should perhaps refer to certified training providers. That is a small point, and I will certainly provide that suggestion to the department for its information. There are perhaps 10 certificates of training listed by the Rangers Association, and that will be helpful in drafting the regulations to determine which training provides the necessary skills.

There was concern about the \$100 lifetime fee for registration. The rangers thought it was too low and not cost-effective. Most Australian states have a lifetime fee set at \$150.

I believe it was important that the rangers' voice be heard in the debate and that the government have an opportunity to improve the legislation, either at this stage or later when the regulations are developed.

Saving Pets president, Samantha Tarling, stated that identification has emerged as a fundamental problem. She went on to explain an incident in which she wrongly identified a dog. I refer to her statement from the Saving Pets website, which states —

“I once challenged some owners that their dog was a pit bull ... They showed me the parents with the paperwork. It was a cross between a boxer and a labrador. I could have sworn it was a pit bull.”

There are stories all over the internet, especially in Canada, where this has been carefully criticised—it has been in place a bit longer—of the misidentification of pit bulls and the tremendous trauma it creates in a family if they have to give a dog up for euthanasia based on its breed. Identification of those breeds is the core reason that the RSPCA opposes this legislation; that is, it is too difficult, and it taints an entire population of animals with stereotypical behaviour.

In addition to the WA Rangers Association, I consulted the Australian Veterinary Association. Its report, entitled “Dangerous Dogs—a sensible solution”, identified that even Australian vets are reluctant to identify breeds based on appearance. The report states —

Veterinarians have been reluctant to certify that an animal is a member of a breed.

These are veterinarians; they work with dogs day in, day out. The report continues —

This is understandable as breed assessment by observation has been shown to be flawed. In one study, 20 mixed breed dogs were identified as containing certain breeds (e.g. Chow Chow) or types (e.g. terrier). DNA was collected and submitted for analysis to the Mars Veterinary Wisdom Panel MX™. 87.5% of the dogs did not contain DNA of the breeds or types identified ...

I believe it is unfair to expect rangers to make such a difficult call on the spot without increased training. Misidentifying a breed is costly to the state and to the owner once it is taken to court. We must address this. It is clear that the professionals have no faith that this is good legislation; it is really just that particular part of it, is it not? The rest of the framework is good; it is just how to identify dangerous dogs.

On a more positive note, it is evident that the bill goes to great measures to reunite dogs with their owners. On top of the microchip provisions, the bill will also extend the time that dogs can be in pounds. Pounds will be renamed “dog management facilities”. That is very Orwellian. Once the owner has been identified, instead of the

current three days, a dog can now be held up to seven days. That is a good step forward. It may reduce the number of pets that are euthanased. It not only reinforces mandatory microchipping, but also allows owners a fair amount of time to retrieve their dogs. This bill does good work here.

Education tactics do tend to crop up as part of this legislation. During my briefing with the department, I was informed that minor education elements of the legislation were based on the Calgary model. I asked questions in Parliament about this also this week. The Calgary model is an education-based by-law formulated in Canada for dealing with dog attacks. It has worldwide acclaim and a high reputation for being the most successful model for reducing dog attacks, which is the goal here. The Calgary model does not believe in or support breed-specific legislation, which crops up in this bill. I understand that on 26 October a prominent expert on the Calgary model from the Barristers Animal Welfare Panel will be here in Western Australia. He will meet with law-makers and ministers to try to explain how difficult it is to implement breed-specific legislation.

In fact, in Canada there are different models that have been proved to be more successful than breed-specific legislation in controlling dangerous breeds. Therefore, I will take the opportunity, in my role as a member of this chamber, to move to amend that part of the bill. I hope all members will support that amendment, because, as members can hear, there is very little evidence that breed-specific legislation works; and why would we want to implement a law that we know will not work?

I do, however, support that part of the bill that provides that dog owners who are convicted of an offence may be ordered to attend and complete an approved dog training course, either as an alternative to the penalty, or in addition to the penalty. That will place a responsibility on the dog owner and remove the blame from the dog.

Some of the key elements that build the foundation of the successful Calgary model that I have mentioned include no breed-specific legislation; the provision of valued services to citizens rather than simply punishing them into compliance; extensive education campaigns; public relations campaigns to emphasise the benefits of pet ownership; and cooperation among community stakeholders through mediation.

In 2007, Mr Bill Bruce, who developed the Calgary model, reported that since 2005, when the Calgary model was implemented, there has been a 56 cent reduction—from 162 to 72—in the rate of aggression between dogs. We cannot ignore that statistic. He reported also that there has been a 21 per cent reduction in the number of biting incidents. Mr Bruce attributes this success to stiff fines, in conjunction with increased education.

I am, therefore, left wondering why, logically, the Department of Local Government and Communities has not paid more attention to this model. I have asked in question time whether the department has considered the Calgary model, and I have been told that there is a section in the bill that is based on the Calgary model. However, why are we continuing to go down this old road of implementing breed-specific legislation? Why is the department surging forward with listing the pit bull in Western Australia as a restricted and dangerous dog when around the globe breed-specific legislation has proved to be ineffective?

According to the United States-based National Canine Research Council in a paper titled, “World-wide Failure of Breed Specific Legislation”, Spain, Italy, Great Britain, the Netherlands and Canada have all implemented BSL, with no success. I will go into some more detail about Canada. In Winnipeg, Manitoba, there was an increase in the incidence of dog bites following a breed ban that was imposed in 1990. It stands as even more of a concern that there are other examples in which BSL has proved to be even more ineffective. In the province of Ontario, reports from different municipalities show that after five years of BSL, there had been no significant decrease in the number of dog bites.

I put it to members that we do not want to pass this bill and see an increase in the number of dog attacks. This bill is supposed to reduce the number of dog attacks. In the cases that have been outlined by the National Canine Research Council, breed-specific legislation has proved to be ineffective. I have a concern for any government that goes down this road and says to the people of Western Australia, “You will now all be safer, because we now have these new laws and these rangers who know what they are doing; dog owners will now have to microchip and register their dogs to pay for the implementation of this legislation; and people who own a dangerous dog will now need to put in an extra fence, make sure their dog is muzzled all the time and wears a coloured collar, and register their dog every year instead of every three or five years—but, by the way, dangerous dog attacks are still happening; in fact, they are increasing.” We do not want to get to that stage. Unfortunately, that has been the experience in other countries in the world. There is a way out, of course, and that is to abandon these breed-specific rules and send this bill back to the other place with the message that the rest of the bill is great, but that part of the bill has been shown not to work. The Dutch repealed a nationwide ban on pit bulls that had lasted for 15 years after a study revealed that banning a specific breed of dog was not successful in reducing the number of dog attacks. What they have done in the Netherlands is recommend better education for children and adults on proper interactions with dogs.

This is where I want to agree vociferously with Hon Sue Ellery, who said it is not the breed of dog; any dog can be a dangerous dog. We cannot develop a sense of complacency and think that the only dog that is dangerous is the pit bull. The attack statistics from the department of local government indicate that a range of breeds have been involved in vicious dog attacks. We can guess what those vicious breeds are. In the United States, which has a large population, between 1979 and 1988, pit bulls were implicated in 42 of the 101 attacks in which the breed was recorded. In stark contrast with those statistics, I have in front of me a report dated August last year from the Australian Bureau of Statistics that I would encourage all members to look at it. That reports states that between 2000 and 2002, bull terriers of all types were responsible for 8.6 per cent of all dog attacks. That falls below the German shepherd, which was responsible for 15.6 per cent of all dog attacks. The Jack Russell—the lovely little Jack Russell—was responsible for 10.9 per cent of all dog attacks. The Rottweiler, which by the way is not a restricted breed, was responsible for 20.3 per cent of all dog attacks.

The RSPCA will tell us these statistics vary from year to year. We cannot pick one breed as the breed that will always be vicious or dangerous. We can take one set of statistics and find a breed that we do not like that week and put it at the top as the breed that is the most dangerous. The point is that it is not about the breed. The point that the activists have been making to me and that they are on the steps saying is: blame the deed, not the breed. It is very simple. That is not only a good slogan; it is true.

I am going on with different angles on this point, because I sense that there is not a lot of support for my proposed amendment, and I sense that members might need to be convinced. So I am trying to explain the many ways in which members could be convinced if their minds were open and they really wanted to amend this legislation.

There is a view that the fearmongering around specific breeds is making people even more edgy when they are around dogs, particularly pit bulls. When people are edgy and anxious around a dog, that dog will not be calm and relaxed, because dogs pick up on our anxiety. So there is a view among professionals who are arguing against this legislation that it will create problems in families that have pit bulls. It will not deal with the need to incorporate dogs safely within our community by making people aware of dogs that may be dangerous when around vulnerable people such as children, but rather it will encourage a sense of complacency that if a dog is not a pit bull, it is okay. It is for that reason that we are arguing against breed-specific legislation. We need education and understanding. To require that a dog wear a muzzle and a coloured collar so that people will know that it should be feared based purely on its breed does not send a positive message to the general public.

Mr Bruce, the expert from Canada, who is coming here next week stated —

“If you’ve got a ‘pit bull’ and it’s properly licensed and it’s not bothering anybody and it’s well cared for—it’s none of the government’s business,”

I agree with him. Mr Bruce also stated —

“We don’t punish breeds, we punish behaviour ... The bottom line is that we believe all dogs are capable of biting.”

We should be sticking by this. The message I would like to get out to the Western Australian community is that any dog can be a dangerous dog.

Hon Helen Morton: There are some that are more dangerous than others.

Hon LYNN MacLAREN: The minister will have an opportunity to put that case. I would like to draw members’ attention to the provision that allows retired greyhounds that have completed an approved training course to be released without a muzzle into family homes as household pets. Remember that—the dogs do not have to wear a muzzle if they have completed an approved training course. The training course deems that a dog is not dangerous to members of the community. The provision establishes that greyhounds that were previously forced to wear muzzles after their racing careers can live muzzle-free if they have successfully passed the course. This provision acknowledges that every greyhound is different and gives each one shot at life after racing without a muzzle. This reduces the stigma, fear and unfair euthanasia; and hopefully more greyhounds will be adopted. If a greyhound does not pass the course, it has to wear a muzzle. I am saying that is what should occur with pit bulls.

Would it be completely unreasonable to propose that before a pit bull is shoved into the category of dangerous dog because of its breed that it undergoes training to identify whether it is trainable? Just like any other dog there is the risk that it is dangerous, but if it passes the training it could have the freedom and rights of other dogs because it does not exhibit dangerous behaviour. Could a pit bull avoid being automatically labelled a dangerous dog? It would be nice for an owner who has adequately proved that their dog is safe through an accredited course to not have to muzzle their dog, spend money building an enclosure, slap a collar on their pet that generates fear and stigma, and can continue to take their pet out in the broader community as would have done prior to this bill passing. That is justice.

Education is the key. What if in addition to a collar that identifies a dog as dangerous there is a collar that identifies a dog as having passed an accredited training course—a dog we could say that is not likely to be dangerous. We could have a collar that assures members of the community about the status of a particular dog and generates understanding.

This brings me to my amendment—I am getting close to wrapping up my speech. I want to acknowledge that the Dog Amendment Bill 2013, at large, is a really good update and I support it. I would like to thank the Department of Local Government and Communities for answering my many questions and the Western Australians Against Breed Specific Legislation group that has worked tirelessly over the last 12 months to save pit bulls in this state from discrimination. These are people's pets. As we have said on many occasions, this is an emotional issue because people care about their pets and they do not want these onerous provisions applied to their really sweet pets. I thank the RSPCA for sending me its policies on the issues entrenched in this bill. I met with the RSPCA and put my amendment before them. I thank the WA Rangers Association for providing its valued thoughts, and the Australian Veterinary Association for offering up-to-date statistics on pit bull attacks and the ineffectiveness of breed-specific legislation. This amendment simply gives pit bulls a second chance, much like the beautiful greyhound that is getting a new lease of life thanks to this bill. The amendment will introduce an exemption for a restricted breed dog that is not dangerous. The dog will be identified as not dangerous once it has successfully passed a prescribed training course. Once a dog is identified as not dangerous it will be exempt from clause 36, which refers to proposed section 33GA and lays out the controls that an owner must impose on their dangerous dog. Proposed section 33GC refers to the restrictions on transferring ownership of a dangerous dog. If a dog passes the training course, it will remain a restricted breed as classified nationally under a COAG agreement, with the states adopting corresponding legislation that takes into account that some breeds are identified as restricted.

Hon Sue Ellery: Is there a copy of your amendment somewhere?

Hon LYNN MacLAREN: I thank the member; I can circulate my amendment now. Can I do that while the minister is responding? I thank the Leader of the Opposition for requesting the amendment in writing. I am now circulating the proposed amendment. On the back of the page is a short reminder of what the amendment means. The amendment means that most of the provisions will remain, but if a dog passes an accredited course, it will be treated like any other dog in the community and the same as the greyhounds that pass a course. A restricted breed dog that passes the course would be treated in the same way that greyhounds are treated under the new provisions. It would give the dog a chance to live a comfortable life by removing the unnecessary expectations and costs from owners. Members have to remember the extra costs for owners in this bill; they include extra fences, muzzling and leads, and there are restrictions on what an owner can do. Once this bill has passed, it will be an expensive and onerous exercise for a person who owns a pit bull, regardless of its nature—how dangerous it is or not. I want to make very clear the points of my amendment. The amendment regarding pit bulls is similar to the way that rehabilitated greyhounds are treated; it gives individual pit bulls a chance to live a normal life as part of a family. My amendment does not affect compulsory sterilisation. This amendment is conservative, and I hope that I will get some gains and not worry the government too much.

The breeding prohibitions would still remain. A pit bull is a restricted breed. We have not defined it as a restricted breed, but it is defined elsewhere as a restricted breed. There are five restricted breeds. It would be treated as a restricted breed, but it would have that same opt-out clause that greyhounds have. The breeding prohibitions would remain and the dangerous dog (declared) provisions would still be enacted if it was indeed dangerous. Like any other dog—Jack Russell terrier, Rottweiler, Irish wolfhound—that is declared a dangerous dog, if someone's pit bull is declared a dangerous dog, all those safety provisions that have been established to protect the community would be applied.

I am aware of an accredited training program in Western Australia. I checked to see whether this was possible in Western Australia so that we did not have to send people to Queensland or someplace to get training as we did with another piece of legislation. Training is available in WA through an accredited dog trainers' course offered by Ken Storrs through TAFE. I would like the minister to consider whether that could be an accredited training course, by which a pit bull could be checked. I understand that is all done in the regulations. The regulations prescribe the courses. All this bill has to provide is that if an owner takes their dog through an accredited training course and the dog passes it successfully, the opt-out clause will apply.

I will conclude. A lot of evidence suggests that although pit bulls have a bad reputation and they have been involved in fatal attacks—I am not minimising that—other breeds have also been involved in fatal attacks. A higher proportion of attacks have been made by other breeds. Essentially, some pit bulls are about as harmful as golden labradors. The American Temperament Test Society reported in 2010 that the American pit bull terrier scored an overall temperament rating of 83.9 per cent compared with 77 per cent for the general dog population. There are statistics like this everywhere we look. I urge members to hop online and look for themselves. It is

time for us to exercise some compassion and give these dogs a chance at a decent life just like every other dog in WA. I have put my case to members. I seek members' support for my amendment, and I support the bill.

HON SIMON O'BRIEN (South Metropolitan) [3.23 pm]: I rise to speak on the Dog Amendment Bill 2013. Hon Norman Moore is no longer a member of this house, so it falls to me to say what he would have said at any time over the previous 36 years and probably before that; that is, if we want an early knockoff, do not bring in a bill to amend the Dog Act! Everyone knows a dog or has a dog or has a view about dogs and dog ownership and everyone will want to have their say. I hope so! This is, after all, a house of review. When we debate legislation that will affect pretty well everyone in society, it is only right that there be a genuine examination of the bill and its provisions before we inflict it on the public.

The explanatory memorandum states —

The purpose of this Bill is to introduce a range of measures that will provide greater protection for the community and improve controls on dogs according to current community expectations.

I am sure that we will hear a bit more about how the sponsor of this bill defines “current community expectations”, particularly given the amount of correspondence that has been sent to all members. There is some conflicting advice and anticipation about what should and should not be in the Dog Act. Nonetheless, I think that the purposes of the government's key amendments in this legislation seem pretty good and reasonable. From my exposure to the process, I know that a great deal of consultation went on for a long time before this bill finally arrived here. As I already indicated, this house of review needs to look at the provisions in this bill. We have already heard about some amendments on the supplementary notice paper. Some of that detail can be kept for the committee stage, which promises to be fairly lengthy from what I have already heard.

The matters raised by Hon Lynn MacLaren have been raised with me, and I am sure with other members, in one way or another by a number of constituents. For the sake of the second reading debate, I will simply say that I retain an open mind about the matter being discussed and we will examine this further when we come to committee stage. I am getting ahead of myself. I have seen the reality that dog bills which members have promised will be debated ad nauseam have come and gone, even in my time. As I have said before, many members take an active interest in debate, as everyone knows a dog or has a dog or has a dog story. I think we will hear a bit more. Already this afternoon we have heard a bit about Peppy MacLaren. It was Peppy, was it not?

Hon Lynn MacLaren: Yes.

Hon SIMON O'BRIEN: We have heard about the dog in the Dawson household called Jackson Dawson. Members will also hear about some other dogs.

Hon Nigel Hallett: How about the O'Brien dogs?

Hon SIMON O'BRIEN: As there is a clamour to hear about them, I will speak about the O'Brien dogs. I remember that when Hon Kim Chance was Leader of the House, he was amused to discover that the dogs then in the O'Brien household—I have photos in my wallet if anyone is interested—were called Duke and Duchess. Sadly, Duke is now at a very advanced age. He will be 18 years old in January. He will be old enough to vote and indeed to enter and remain on licensed premises! I am sure he is looking forward to that. Duchess is no longer with us. It was very sad when she passed away. However, to go with 18-year-old Duke there is now two-year-old Princess, who is also a Tenterfield terrier. She is keeping Duke as youthful as she can. These are good monarchist dogs. I do not know what Republicans call their dogs. No doubt they love them, but they are awfully restricted. What sorts of names do they give them, I wonder? Mr President or Citizen just does not sound right.

Hon Peter Katsambanis: Malcolm?

Hon SIMON O'BRIEN: Perhaps Malcolm is a name that could be used. It does not matter what the dog is named; they are part of the family, as Hon Sue Ellery mentioned in her remarks, and the family loves them and vice versa. Dogs fill a particular role with humans and have done for hundreds of years. They are great companions; indeed, some people are of the view that they are true friends that will not let us down, that will remain loyal, that will not stab us in the back and that can be relied on. They are always a comfort. Plus, there are many other ways that dogs function with humans, to mutual benefit.

There are all sorts of working dogs. We heard earlier in this debate about the undoubted practical benefits brought by assistance dogs of various kinds. I remember visiting the Association for the Blind of Western Australia in Victoria Park in a number of capacities over the years as opposition spokesman and also as Minister for Disability Services. It does a great job. Part of its day-to-day work involves raising money. When running an association that has important commitments that it has to make to a large membership or pool of clients, fundraising to keep going is a challenge, as it would be for any similar non-government organisation. I remember

arriving there on one occasion as a minister to open a new audio library or to attend an open day. I forget why I was there as I made quite a few visits at about that time. My wife and I were warmly welcomed as we arrived at the headquarters. It was an open day. All sorts of activities were going on, including tours of the premises and attractions for the kiddies. A chill ran down my spine when a very helpful host from the chief executive's office came up behind us as we were milling around and said, "Would the minister's wife like to pay a visit to the guide dog puppy cuddling enclosure?" I thought, "This is going to cost." Indeed, it did because the answer was in the affirmative. Off they went to the guide dog puppy cuddling enclosure, which was part of the association's breeding program for seeing eye dogs. Seeing eye dogs are a very small part of the association's overall services but they are a flagship activity in terms of public visibility. Indeed, the guide dog component has a great deal to do with the success of the fundraising that the association has to do year in and year out to fund all of its other activities—another useful way that people and dogs work together.

I think that everyone has an interest in this bill for some reason or another. I approach this bill with some caution for the following reason: bills to amend the Dog Act are typically prepared in response to some identified problems. They are typically brought in to increase controls, to extend the reach of some responsible authority or other into the lives of individuals who have dogs, to affect those dogs and to affect the human families of those dogs—the households that keep those dogs. What sort of problems are there? We have already heard about the problems of so-called dangerous dogs or dangerous breeds. We will have a detailed discussion about that at a later stage. We are told by every proponent of a bill to amend the Dog Act that we have a problem with nuisance barking, dogs being kept securely, dogs running amok, dogs being let out and all the rest of it. We have to understand that a lot of the motivation behind any dog bill comes from people who have a problem with dogs, people who have made complaints about dogs, people who do not like dogs or people who do not like some aspect of their relationship with households that keep a dog. It is unfair to characterise the proponents of any dog bill as people who do not like dogs or dog haters. I am not seeking to do that at all. There are some who will cheer these proposed amendments because they restrict dog owners' freedoms that currently exist.

Because so many people value those freedoms as dog lovers or dog owners, this house needs to be pretty careful about simply accepting what is said by the proponents of a dog bill as necessary, reasonable or a proportionate response to whatever problems are deemed to exist. That is another reason that we need to look at this bill in detail and I encourage every member of the house to take an active interest in what we are doing. This is the sort of bill that will affect more of our constituents than most bills that come before this house. It will affect them more directly than, say, a land tax bill. I am serious. More of our constituents are affected by this sort of bill than just about any other legislation that we will deal with in this place. Members need to pay attention or they may regret it. In any case, they will need to be able to deal with the minutiae because every single day new controls will impact on dog owners. Some dog owners will then come to members and say, "Where were you when this bill went through the Parliament?" I know where I am. I am interested in this from the point of view of not only my constituents but also a member, frankly, who has a dog. I have a perspective to bring to it.

Hon Robyn McSweeney: Two dogs.

Hon SIMON O'BRIEN: We have spoken about my two dogs.

The Dog Amendment Bill 2013 proposes to do a number of things. Generally, I am quite comfortable with the proposed measures. Perhaps my own standards as a dog owner come to the fore. I think microchipping of dogs is a good thing for not only the dogs and their owners, but also local governments and so on. Indeed, our most recent acquisition, whose name is Princess, will be microchipped.

I think provisions that enable courts to impose a variety of penalties beyond the traditional fines and to impose a requirement, for example, for dog owners to attend and complete dog training courses in place of a penalty, are a very good and constructive way of dealing with the problems.

The provisions that will enable retired racing greyhounds, after completing an approved training program, to safely return to the community as household pets and not be required to wear a muzzle, I think, are great. I have had a little contact with post-racing greyhounds, and I am well aware of what great and gentle pets they can be. There can obviously be an issue if someone has some other furry critter in the household that runs across the kitchen floor; I am not sure how that deprogramming works, but I understand it can be done, which is good.

The one area, though, about which I have always had some doubt is the question of so-called nuisance barking. A range of nuisance behaviours occasionally come to the attention of local authorities, including those that long-suffering local government rangers have to deal with such as dogs that foul on pavements and so on, occasionally dogs that are fighting, and also, in particular, complaints about barking. I understand that those who have to work in this area would like to have some easier legislation to work with, because it is highly problematic. During Committee of the Whole, as we come to the relevant clauses I will ask the minister to restate some things I have previously been advised because I want to get them on the public record. The things I

want restated for the public record are matters I have previously put to the current Minister for Local Government because my support for this bill was only generated through the responses he gave me. I have seen a lot of local government ministers come and go, and I have seen a lot of prospective and draft dog bills come and go over the years, but for the first time the current Minister for Local Government was able to deal with my queries—my potential problems—by way of legislation to deal with issues of nuisance barking. Nuisance barking depends on a person's own definition.

Hon Helen Morton: Are you going to tell us what the magic words are?

Hon SIMON O'BRIEN: I have words for most things!

The thing about barking is that it is a natural behaviour for dogs. It also can be naturally annoying at 3.00 am when someone's dog is incessantly barking. We all know that. Quite often that comes down to the owner of the offending animal being away and not knowing the dog is barking. It might be a new puppy, and the owner does not realise that the dog whines and barks when they are away at work and the dog is on its own. Some people react by saying the dogs should be destroyed or putting horrible anonymous notes in people's letterboxes, or by throwing a bait over the fence to try to kill the dog. That actually happened at our house many, many years ago. We did not even have an outside dog that was a nuisance barker at the time.

Hon Liz Behjat: Are you sure the bait was meant for the dog? Sorry.

Hon SIMON O'BRIEN: I prefer my steaks well cooked; this one was a little on the rare side.

People have strong feelings about so-called nuisance barking, and we have to deal with it because the poor rangers are caught in the middle. The rangers generally want to do the right thing, as I am sure members who have had experience of this know. They want to ensure that they respond to the genuine concerns of discomfort of the complainant who has been kept awake or otherwise disturbed by nuisance barking, but at same time they also understand about young puppies left home on their own and the owner not realising that they are causing a nuisance. In the first instance, a good local government ranger will attempt to resolve those problems not by, I hope, issuing infringement notices and the like, but by talking to the parties concerned to try to bring them together. I think this bill contains the tools to do such a thing in such a way that enables the ranger or other officer to communicate with the respective parties, while also having some onus on the respective parties to participate in that communication as well. It is targeted at getting an actual result.

The thing that has always alarmed me whenever I have been confronted with a potential bill to deal with nuisance barking is that we end up with a proposed bureaucratic solution. If any members of the bureaucracy are within earshot or reading this, please do not be offended because I am a former member of the bureaucracy as well. I have dealt with compliance issues as a commonwealth officer and I know what it is like to have different parties with a different view about how regulations should be interpreted and so on. I think the average officer knows what is meant by a bureaucratic solution as opposed to a real solution, and local government rangers need the real solution at their disposal when they are out there in what we also call the real world in someone's front yard with two neighbours having a stand-off and it is all getting a bit heated. The dog that might be the subject of their inquiries could be tugging at his lead and showing his teeth and making a lot of noise, to the embarrassment of the owner, or behaving uncharacteristically perfectly, to the distress of the complainant. How on earth does a ranger resolve these matters?

What is too much barking? A lot of people get a dog, in large part, so that they will bark. They have the dog on their property so that if a burglar comes around or there is some disturbance—someone outside in the bushes in the middle of the night—the dog will raise the alarm and let the household know. We do not want a rule that some would possibly like to see whereby dogs are not allowed to bark. Some people around might think no dogs should be allowed to bark because it might upset them. Well, I am glad to see that that is not what we are talking about in this bill, but we also need to understand that barking is normal behaviour and indeed one of the reasons some dogs are kept.

So, what is the difference between a dog barking normally and occasionally and a dog barking in an unreasonable way that upsets the neighbours? Some terrible suggestions have been made that fill me with dread and, as a legislator, I would rebel against. Suggestions to find that bureaucratic solution that I was threatening a minute ago, such as recording the number of barks per minute or per hour, could set a benchmark for what is or is not nuisance barking. I do not know how on earth that would be done, but I do know that those sorts of guidelines would be the wrong way to go, because those sorts of guidelines become law and then there is the ridiculous situation of people having to go to court to argue whether the given number of barks recorded did in fact exceed the number allowed in the time frame. It could end up with learned counsel arguing whether a particular type of bark was one long bark or a series of barks that should be counted as five or six barks.

Several members interjected.

Hon SIMON O'BRIEN: Madam Deputy President, members are starting to interject in an unruly way, inviting me to demonstrate what might be an ambiguous bark!

The DEPUTY PRESIDENT (Hon Alanna Clohesy): Hon Simon O'Brien, I am sure that you are more than able to conduct yourself in this debate without having to resort to such antics. Therefore, I invite you to return to the topic of the debate.

Hon SIMON O'BRIEN: I will ruthlessly maintain my composure, Madam Deputy President, not least because English is the required language in this chamber, and not only for Hansard's benefit. I do not know whether every member in the history of this place has been able to string two words together coherently, but I will try to do my best! Suffice to say, when we start getting down to an argument about the ambiguity of barks, what might be at stake might be not only penalties in a court, but also whether a person is able to keep their dog at their premises. These things will cause a great deal of upset. Although I do not pretend to know or be able to produce the perfect answer to the problem that confronts a council ranger on these occasions, I sure as heck know that that is not the sort of solution we are looking for. Then there are other arrangements about using machines to record the number of decibels that the dog is woofing at.

Hon Peter Katsambanis: I have seen cases like that in courts.

Hon SIMON O'BRIEN: Again, that gets a bit ridiculous because there are a number of things that might make a bark a nuisance or not. It is not only about decibels; it is about the time of day, the pitch, repetitiveness and a range of other things.

I was pleased when this latest bill, which attempts to pursue the issue of nuisance barking, arrived and the minister with responsibility was able to explain to me what will be called best-practice guidelines. I said to the minister, "If you are going to bring into this place a bill that empowers you to put out some sort of guidelines that will be as unlikely as the ones that I have just described, I will do what I can to stop you, and I promise you that you will not get it through the house." The Minister for Local Government was able to reassure me that in fact he was not proposing regulations to do this but would promote best practice guidelines. They would not come out as if they were regulations but would initially be trialled as guidelines. In other words, he would seek to give rangers the tools needed to work through difficult and in each case almost unique circumstances to find out what actually works in practice before going anywhere near consolidating guidelines into a codified form. That struck me as a minister who actually understood the sorts of things affecting us when we talk about rules for dogs. He understood that there are two sides to every story. He understood that dogs are very precious as a part of any household. He also understood that if a dog is behaving unreasonably, perhaps by barking, that people need to find some way to resolve the issue. For the first time that I can remember I was dealing with a proponent who actually got that and was aware of the sensitivities. It was on that premise that this bill was brought forward. That gave me a great deal of reassurance.

Many other provisions are touched on when we talk about dog legislation. Of course we have all had people write to us about those provisions, most specifically about breed-specific legislation, as it is called. A lady called Kelly Duffy wrote to me about these matters. I will faithfully convey her thoughts in summary to the house. She wrote —

Dear Mr O'Brien,

I am a graphic designer, mother and responsible pet owner in our community. My family currently own a lovely border collie named Hope.

I am writing to you because the proposed changes to dog laws, breed selective legislation, worry myself and my family greatly.

Other countries are removing their breed selective legislation because it doesn't work. Italy tried it for 6 years, ending up with over 90 breeds banned or restricted, and found that it did nothing to reduce dog attacks. Other countries have found the same. These proposed laws will move Western Australia backwards, not forward.

My current (and previous) dog has been attacked 4 times by other dogs running loose while I have been walking them on leads, over the last 5 years. None of the dogs responsible were restricted breeds. Someone I know was attacked by a dog running loose, which was not a restricted breed. Breed selective legislation would have done nothing to prevent it, but if responsible dog ownership was enforced this could have been prevented. These proposed laws won't protect the community. Laws that enforce responsible dog ownership are the only way to make our community safer.

She went on to include a list of dog attacks that she had seen or personally knew of people or dogs that were hurt. She gave me a number of examples, and I thank her for that. We are going to come back to that in detail

later. She makes good points, but the main thing that I take away from her letter is that we have to be a little careful when trying to find a one-size-fits-all remedy.

That is the same with nuisance barking. We must allow for a real situation in a unique circumstance and deal with it in a way that is sympathetic for all concerned. The case is the same with so-called dangerous dogs. Once again, it is necessary to concentrate on providing the tools to local government officers and the awareness to the general dog owning public about how to fix the potential problems we might have or that might arise without having a prescriptive, one-size-fits-all rule that results in unintended consequences. The reason for that goes back to where I started—that is, it affects just about everybody in our community. I am sure that every honourable member has a dog story and has a direct relationship with dogs—they own a dog, someone in their household owns a dog, they are close to people who own dogs and so on. That is the same right across our community. That is why we have to ensure that the laws work. I have confidence in this bill and in those who have worked on it and that it might be such an instrument. I am greatly relieved, and that is why I support the bill. But I do look with interest to the committee stage to see what members think collectively about some of the specific provisions. On behalf of Peppy, Jackson, Princess, Duke and every other dog and their owner in Western Australia, I am glad that I have had the opportunity to offer that perspective to this debate

HON HELEN MORTON (East Metropolitan — Minister for Mental Health) [4.02 pm] — in reply: I thank members for their input. I have lots of bits of paper here and I will try to address most of the things that members have raised, however I want to make some general comments first. I thank members for their support of the bill; notwithstanding there will be one small amendment and potential further issues that may be discussed during the committee stage.

The first thing all members acknowledged is that the amendments to the legislation have been a long time coming. It has been 10 years and 1 500 submissions, which I note is more than the Mental Health Bill received in the same period of time. It means that more people have responded to the issues in the Dog Act than to the Mental Health Bill. I am going to be very distracted by the Attorney General who keeps making comments about barking about things or clawing back something or what have you. It is very difficult to concentrate.

I would like to comment on restricted breeds first, because it is probably an area that has the highest level of interest. The legislation has been in place since 1976 and it has been a long time since it has been changed. During this time the expectations of the community have changed and there is a strong emphasis on people being responsible pet owners. Responsibility is one of the key focuses of this legislation when it comes to owning a dangerous dog. The legislation is not saying that a person cannot own a dangerous dog, but it is saying that if a person has a dangerous dog, whether a restricted breed, a dog declared dangerous or a commercial security dog, that person needs to put some extra measures in place to protect the community.

There has been a lot of discussion about the restricted breed provisions. Although I appreciate those views, it is important to remember that we are talking about only one breed of dog—that is, the pit bull terrier. It is my understanding that the remaining breeds on the restricted breeds list are not really present in Australia. It is also important to remember that we are not requiring owners of pit bulls to give up their pets. I make it quite clear that this legislation is not asking people to euthanase their dogs. What we are saying is that these dogs are banned from importation into Australia under federal legislation and for that reason we need to put some additional restrictions on the ownership of these dogs to protect the community. These dogs need to be sterilised, to be muzzled in public and to wear a collar that signifies to those around it that the dog is dangerous. I listened with interest to the comments of Hon Lynn MacLaren about whether that would or would not do anything to improve the way in which dogs are perceived in the community, and particularly these dangerous dogs. Hon Lynn MacLaren talked about vulnerable children. I could not help but think that in that contribution I was hearing a kind of switch about whom this legislation is meant to be protecting—whether it was the dogs or the children. I have to again say that this legislation is about protecting children and other people. This legislation will require a restricted dog to wear a collar that signifies to those around it that it is a dangerous dog. As a parent or grandparent, I would then be able to recognise that there is a potentially dangerous dog in front of me and I would take steps in that case to protect the children I was with or even myself for that matter. Sometimes people who are very strongly involved with dogs tend to think more about the protection of the dogs in this process than the protection of people. I do not have a dog at this stage and I have not had one for a long time, but I have had dogs in the past. I am from a farming and pastoral background, where dogs are working animals.

Hon Ken Baston: That is good dogs.

Hon HELEN MORTON: That is good dogs. I do not necessarily see them so much as pets. Notwithstanding that, I fully understand the role of assistance dogs and the way in which pets provide great comfort, improved capability and emotional benefit to people, but I do think that sometimes people get that balance just a little mixed up.

These dogs also need to be kept in a secure enclosure from which they cannot be released without the owner's authority. Again, if people are going to own a restricted breed of dog and do not want to pay the extra money for a fence or whatever it is, they should not take it on in the first place. Restricted breeds can also not be sold or given away unless the owner has passed away or has ill health. It was noted by a member that this does not allow for circumstances in which, due to an unfortunate situation, an owner can no longer have their dog at their property and have to move it to a new home. However, this is part of being a responsible pet owner; owners need to ensure that they can look after their dog. I also agree that not every pit bull will attack, but unfortunately when they do attack they are likely to cause serious injury and even death because of their strength. This government wants to ensure that the community is protected from this risk; therefore, it fully supports these provisions. I looked at the information provided in the answers to questions without notice about the extent to which pit bulls are involved in attacks and cause serious damage to people, and I think it is indisputable that people need to be protected from this particular breed of dog.

The Calgary model was also mentioned, and I think it is important to note, as Hon Lynn MacLaren indicated, that this legislation already contains a number of elements of this model. It allows dogs that have attacked or repeatedly threatened to attack to be deemed dangerous. This is declaring a dog dangerous based on the deed not the breed, notwithstanding that there is one breed present in Australia—although I understand that there are five breeds that come into that restricted breed—that we have made clear is more dangerous than other dogs.

Of course, we hear the issue of deed not breed talked about a lot when discussing dangerous dogs. The provisions around dogs that are declared dangerous have been strengthened and the penalties have been increased. Members have discussed how large the penalties are, but it is important to reinforce to owners of dangerous dogs that they are responsible for their pets; if it does attack, they should bear the consequences. I do not think anyone would dispute the seriousness of dog attacks. Some horrific offences have been perpetrated on people by these dogs. However, it is important to remember that these are the maximum penalties.

We also had some discussion about nuisance dogs. When we go into committee, there will obviously be some more discussion about that. As we have heard through various speeches, a number of members' constituents have come to members with complaints about nuisance barking. I have had that occurring in my own electorate and amongst my own neighbours. Nuisance barking is a very topical debate and something that has been a longstanding issue for enforcement officers as well as community members. This legislation does clarify that rangers can take action on a nuisance complaint from only one resident. Of course, it is the rangers who will have to be satisfied that there is a nuisance before they take the matter any further. The legislation also helps to clarify the process of dealing with a complaint. I want to find the material given to me about how people can get involved so there is some sort of resolution possible before going to the final step. I might come to that a bit later—it is amongst these papers somewhere.

I now move to some of the more specific things. Members talked about the benefit of all dogs being microchipped. That is a very important amendment as it provides a permanent method of identification as well as the opportunity to reunite owners with their pets within a reduced timeframe. We were all pleased to hear about that part of the legislation that will allow appropriately trained greyhounds to be unmuzzled when they are in public. This is a huge step forward in making greyhounds a more attractive pet and will hopefully reduce the number of retired racing greyhounds that are put down each year.

I pick up on a couple of other issues that people mentioned. There will be no additional burden or workload on rangers. These provisions will make it easier for a ranger. For example, the improvement in the nuisance provisions and the introduction of microchipping are aspects of a ranger's current work that will become easier. It was also suggested that lifetime registration charges are too low. Local governments were surveyed, and the bill was framed based on their idea of costs for dog registration and enforcement. It was based on this feedback that the fees were established.

There was also some discussion around education. The Department of Local Government and Communities has produced a number of publications to educate the public on dogs and dog ownership. These include "Starting from Scratch—Is a Dog for YOU?", "Guidelines for Responsible Dog Ownership", "How to Behave Around Dogs", "How to Choose a Dog Trainer", "Dogs in Public Places" and "Children and Dogs". These are all available on the department's website.

Debate interrupted, pursuant to standing orders.

[Continued on page 5135.]

Sitting suspended from 4.15 to 4.30 pm