

DOG AMENDMENT BILL 2013

Second Reading

Resumed from 26 June.

MR D.A. TEMPLEMAN (Mandurah) [10.46 am]: I rise to make some comments during the second reading phase of the Dog Amendment Bill 2013. During my speech I will go through a range of issues relating to the intent of the amendment bill and highlight a number of issues with new provisions or improved provisions in this bill. I indicate to the minister and the Parliament that the opposition will be supporting this bill. We have listed some minor amendments on the notice paper that we would be interested in the minister entertaining during the consideration in detail stage.

The move to amend the Dog Act goes back some time. We all know that there has been consistent lobbying by various stakeholders to amend the act, which had its origins back in 1976. In many respects the whole process of how to address and deal with the correct husbandry of dogs is an important issue for many, many people in our community. There is no doubt that this is a very emotional issue for many people. Dogs of many breeds and persuasions have been the companions and work servants of humans for thousands of years. Indeed, over the centuries many dogs have been bred for specific reasons. More recently, particularly in the last 100 years, the breeding of dogs specifically as pets has been more prevalent.

There is no doubt that in the past certain breeds have, for all sorts of reasons, attracted greater attention, and indeed some of it has been negative. I am sure we will hear from other speakers that when we seek to amend an act of Parliament to protect our community—particularly the vulnerable people in our community, including children and older people—from dog attacks, for example, or indeed when we seek to place restrictions on the keeping of dogs and the controlling of their behaviour, it will always raise a number of concerns and issues. There is no doubt that we are all horrified in both this place and the wider community when we hear about horrific dog attacks on children or older folk, or indeed anybody who is badly mauled. We need only to remember last weekend's tragedy in New South Wales in which a two-year-old was attacked and mauled to death by a dog. Whenever a tragedy of that nature occurs, or indeed a savage attack or mauling of a person—particularly a child—community concern is understandably raised about safety.

As the minister highlighted in the second reading speech, and as we know, the Dog Amendment Bill 2012 was introduced into Parliament last year, but did not proceed before Parliament was prorogued. Some minor amendments have been made to the original bill presented last year, and it is now the Dog Amendment Bill 2013. This bill seeks to do a range of things. Obviously, the issue of community safety is of interest to everybody, and this bill contains provisions that attempt to increase controls over dogs deemed dangerous, including higher penalties for owners. There are also provisions in the bill that will strengthen the responsible dog ownership aspect. A recurring theme that has been raised by a number of stakeholders, including veterinary scientists and people who are well versed and expert in dog behaviour, is that ultimately the focus should be very much on the responsible dog ownership aspect. Some examples have been given, and I am going to give the minister one from my electorate that goes to the point of the responsibilities and powers this bill gives to authorised officers with regard to identifying a dangerous dog. A critical aspect of this bill is: does this bill have the correct provisions and safeguards to ensure that the identification of a dangerous dog is based upon appropriate and effective assessment? Some issues will be raised about that, and I am sure a series of questions will be asked related to this whole issue of how a dog might be ultimately deemed to be dangerous—what the criteria are—during consideration in detail, because some issues in this bill need some explaining.

When this bill ultimately passes, as I am sure it will in both houses, make no mistake that there will be some very, very severe restrictions—indeed implications—on all dog owners. It does not matter whether it is an older lady with a little Shih tzu in her 200-square metre block that yaps and barks all day while she is down at the local senior citizens centre playing bingo. There will be implications for Mrs Jones and her schnauzer, particularly if her little schnauzer is a nuisance or has been deemed to be a nuisance. I will get to that aspect of it later. There will obviously be implications for people who already have a dog classified as being dangerous because it is a restricted breed. There will be implications for owners who do not have their dogs microchipped or appropriately registered. All these elements are important in considering the impact the bill will have on any person who owns a dog. It is important that we look at it closely during the second reading process, and perhaps in his second reading response the minister will be able to provide some clarity around some of the examples or issues that may be raised.

Of course, this bill contains some excellent modernising clauses. This act has a history of 30-plus years and society has changed. We have denser urbanised communities in our state and people are living in very small dwellings that have a small land imprint, yet they still want to enjoy what pets—particularly dogs—provide. We all know that dogs provide wonderful support and companionship for many, many people. Clear medical

evidence exists that shows that dogs and cats—pets—can have a very, very positive health influence, both mental and physical, on people, including those who live alone. One of the fastest growing statistics in Australia is single-person dwellings—that is, dwellings in which only one person resides—and many of those people are older females, which highlights the importance that many people place on having a pet, particularly a dog.

The bill has improved the recognition of assistance dogs. We know about the famous labrador mascot of the Guide Dogs for the Blind, but we also know many, many dogs are now used as assistance dogs in our community. One of my constituents, Peter Darch, who was a nominee for Young Australian of the Year, is confined to a wheelchair because of an accident when he was a young man and has an assistance dog with him all the time. It is not a labrador; it is not even a terrier. I cannot remember the breed but it is a very important dog. One has to know the ground rules with this dog; it cannot be patted or anything like that because it has a specific role to play in his life, and the bond between Peter and his dog is very strong. That dog will very much be an important and integral part of Peter's life as he grows older. I remember when Peter and his dog—I wish I knew the name of his dog—were invited to the Queen's garden party when the Commonwealth Heads of Government Meeting was held. The Queen and Prince Phillip attended the Governor's residence for the garden party. I said to Peter, "I bet you get to meet the Queen and I will not because you have something extra to offer that will attract her attention." Sure enough, the Queen, who is well known for her love of corgis, made a beeline—she did not make a beeline; she is much more graceful than that—or she made a definite move towards Peter because he had this assistance dog that does an important job and plays an important role for him.

This bill recognises and extends the provisions that relate to guide dogs and other assistance dogs. Importantly, this bill extends the provision for those dogs to be recognised for the role they play for their owners, which means there is an extension of provisions for people with these dogs to access public transport and public buildings et cetera that would normally only allow for guide dogs. This is a positive and important move.

We all know that society is changing. When we look at urbanisation, particularly in metropolitan areas but also in other towns and regional cities of the state, we know that people are living closer together than ever before. There is higher density living, yet there is still a wont by many people to keep pets, and particularly dogs, in their household, and they become much loved pets. I am always interested in the science of dog ownership and the hypothesis that as owners get more attached to their dogs, they begin to resemble their dogs. I thought of this as I was driving to work from Mandurah, stuck in the traffic this morning for over two hours. I could not believe it. I left Mandurah, where I live —

Mr G.M. Castrilli: It took me two hours and 40 minutes.

Mr D.A. TEMPLEMAN: I could not believe it. Did the member go to Bunbury last night?

Mr G.M. Castrilli: No, the day before.

Mr D.A. TEMPLEMAN: I left Mandurah at 7.10 am and did not get here until 9.20 am. It took more than two hours.

Mr W.J. Johnston: Luckily there was no division.

Mr D.A. TEMPLEMAN: I would have had to deal with myself appropriately if there had been. In this spectrum of dogs that resemble their owners, I could not resist looking around at members of Parliament. I got out the parliamentary handbook with its members' photos and I looked at members on both sides, and then I began to wonder what sort of dog they would own if this hypothesis that a person starts looking like their pet or their pet starts looking like them were true. This is certainly meant in the spirit called humour, but I did a little straw poll first of all of who actually owns a dog. Sorry, I did not ask whether the minister owns a dog.

Mr A.J. Simpson: No.

Mr D.A. TEMPLEMAN: That has destroyed my first line of attack.

Mr A.J. Simpson: I had to put it down a couple of years ago.

Mr D.A. TEMPLEMAN: Yes, I know, and a number of members have told me that they have had to put down their dogs. It is a sad thing because some people have their dog for over a decade and the bond between a pet and its owner is very strong.

I own a golden labrador called Rove. He is a beautiful dog. We are careful with our dog because he is big and our kids are small and, of course, Rove loves kids, as most labradors tend to. Whenever Rove gets around them, he basically sends them cartwheeling across the lawn. It is good character-building for them. Children need character-building in some respect; the kids will probably be acrobats when they get older. The member for West Swan told me she has two dogs, and I am glad to know she has no more than two because we have restrictions on the number of dogs a person can keep.

[Interruption from the gallery.]

Mr D.A. TEMPLEMAN: I think there was a stranger in the house then, Mr Acting Speaker.

A member interjected.

Mr D.A. TEMPLEMAN: I was looking too. I thought it was something I ate earlier. The member for West Swan has two little Jack Russell terriers called Max and 99. We all know that the Minister for Corrective Services—was that the member for Eyre barking next to the door?—has a great love for two Alsatians. I do not think he looks anything like an Alsatian. The member for Butler has a dog that I would never have expected the member for Butler to have—a mini-schnauzer called Max. I would never have picked that. I would have picked a more elongated, hyperactive dog.

Mr M.H. Taylor: A whippet.

Mr D.A. TEMPLEMAN: Yes, a whippet for the member for Butler would be more appropriate. The member for Armadale has a dignified dog called Sophia, a golden retriever. I can just imagine the Obama-like member for Armadale, who apparently is quite often mistaken for the President of the United States, sitting in the oval office in Armadale with his beautiful wooden desk and his dog, Sophia, at his feet while making decisions on how to attack the government. The member for Cannington has a dog called Ginger. It is a labradoodle and the member describes it as the most pathetic and dumbest dog he has ever known.

Mr W.J. Johnston: Not pathetic, just dumb.

Mr D.A. TEMPLEMAN: Dumb. The member for Eyre, who was in the house before, has a kelpie or a blue heeler cross called Sally, or his son does. The member for Belmont has a dog called Bindi and she calls it a little mutt; it is a mix of all sorts. Mr Acting Speaker (Mr I.M. Britza) is unfortunately not allowed to have a dog and he is very sad about that. He tells me he would love to have a dog but he is not allowed.

I wondered then whether there are any members who actually look a little like a certain dog breed. I would have been certain, for example, that the member for South Perth would be a basset hound. The basset hound has these wonderful eyes and a wonderful look. It is a pity the member for South Perth is not in the chamber this morning because he is the epitome of a basset hound, and I am sure he would have taken that comment in the right manner. The member for Albany is the greyhound on our side; he is lean and fast. Members only have to look at the member for Collie–Preston to know that he would be a mix of everything, but I could imagine him having a strong boxer dog influence. The member for Southern River would definitely be a Doberman because we know he has a history of jumping. Dobermans jump and we know the member for Southern River is now infamous for jumping the Bar of the house at the back of the chamber. I would not be surprised if the member for Southern River actually had a Doberman.

Members may ask what this has to do with the Dog Amendment Bill 2013, and that is a very good question. I wanted to draw a reasonably long bow with regard to people's affection for dogs. In my electorate, as I am sure in all electorates, dog ownership is important to so many people of all ages. People have different tastes. There are some dogs I quite honestly do not like the look of, but that is my view. There are others who have a view of dogs that is totally different from mine. One of the real issues with this legislation is when and how to construct a bill that protects the community and does not place unfair judgement on dogs but makes sure that ownership is the issue.

In my contribution to the second reading debate, I want to flag specific clauses for the minister to show where the opposition is coming from. Obviously, there will be a series of questions on the dangerous dogs issue—that is, identification of dangerous dogs; the ultimate labelling by an authorised officer, which in this case will most likely be by a ranger in local government; how that label ultimately becomes a label; and the implications of that label for the owner and indeed for the dog itself. On this point I want to read to the minister one example from a gentleman, who is very happy for me to mention his name in Parliament, that underpins the labelling issue caught by this bill. This example refers to the implications that will be placed not only on dog owners, which this gentleman accepts absolutely, but also on the authorised officers. The gentleman I refer to is Mr Dudley Gordon of Mandurah, with whom I met only last week. It is interesting to note, with this bill coming up for debate, what he wrote to me. The letter commences —

I am writing to you to ask you to assist us in our attempt to have removed from the council records that our dog Max {English Bull Terrier} is a dangerous dog. This unwanted title was put on him by an over zealous Ranger —

I will not mention the ranger's name —

who was not present at the time of the incident and —

In this gentleman's view, the evidence was manufactured to back up the ranger's report for the unwarranted title of "dangerous dog". Mr Gordon outlines that on 12 September last year an incident occurred outside his home as follows —

Our dog Max had gone out, undetected, through the electronic gate as our car entered the property. Normally, he would never have gone out but there happened to be a person walking his dog and Max would have seen this and run over to meet the other dog. We cannot say what happened in the first few seconds, as none of us saw the incident. It took my wife approximately 10-20 seconds to realize the man was yelling at Max. She ran to the gate and called Max and by this time the other dog, a greyhound, had run off. The man continued to yell abuse and threaten us.

The result of that incident was I paid the vet bill for the other dogs treatment —

It was around \$400 —

There was very little damage to the dog but the vet had to be called back to the clinic as it was after closing time. This added a call out fee. The other dog owner came to our house a couple of days later and apologised for his behavior and language on the night and all was settled amicably. We received a warning from the council Ranger ... regarding this incident My wife was asked for a report stating what she saw.

She provided a report on that incident, and it continues —

There was another incident on the 3rd October 2012. My report which was made at the time pretty much covers everything but for a few details. These ... dogs were separated and all settled ... This person who is still unknown to me reported the matter to the rangers office describing Max as a pit bull, which no doubt got alarm bells ringing.

Remember, this dog is a British terrier but the dog was reported to the ranger as a pit bull, and it is true that it no doubt got alarm bells ringing. It continues —

It is this part of my report that I believe absolutely proves that Max is not a dangerous dog. All dogs have altercations, they wouldn't be dogs if they didn't. On that day when the incident occurred and I was right there and saw what happened, he —

That is, Max —

ran around the lady who had the lead and he approached the smaller Schnausser, It was the Schnausser that attacked Max by biting the right hand side of his face, leaving several wounds. Smaller dogs often go on the attack when confronted with larger dogs, it's a normal reaction because they are scared. The lady with the lead was not the owner, but a friend, the owner was away on the day and was due back in Mandurah the same night.

I want to pause there and talk about one of the implications of this bill. I believe that if I were a dog owner and asked someone else to look after my dog, I would be placing the person looking after my dog in a very invidious position. People will think twice—people should possibly think twice—about taking on the responsibility of someone else's dog because there are implications for people doing that under the provision of this bill. I am not trying to be obstructive because I really think we need to talk through some of these issues in the debate. The letter goes on —

I ask you to take into consideration the fact that there was no apparent damage to Benson, the Schnausser. The vet treatment he had was to calm him down as he was upset, which I can understand, but would like to point out the behavior of Max. He was annoyed at being bitten, so he took hold of Benson by the ear and lay down on his belly, thus preventing Benson from biting him further. Max at no time changed his grip for a more serious one,

at no time did he go for the throat and at no time did he shake Benson, he only held him. That proves to me that Max did not have the intention to harm Benson. If Max is a dangerous dog as he has been described by ranger ... Benson would have been dead, but he is not which proves my point.

I do not have much more on this. The letter goes on —

The morning after the incident Benson,s owner ... came to our home and we discussed the situation very calmly.

The outcome was that Mr Gordon paid the vet bill, which the lady was happy about as there was no harm to Benson. It continues —

... the only thing damaged was his ego, we parted friends.

Extract from Hansard

[ASSEMBLY — Thursday, 8 August 2013]

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Mr David Templeman; Ms Lisa Baker; Mr Chris Tallentire

Ranger ... then located the owner of the dog Benson through the vets records and went to her address and insisted that she make out a complaint form against Max, ...

The lady then said that she was happy with the outcome and did not want to cause any further trouble. Then she rang Mr Gordon later and said that the ranger —

... had persisted with his request for her to make a complaint by saying ‘What If it had been a child leading Benson’ and ‘What If Max had attacked the lady with the lead’.

The lady was swayed by the argument and signed the form the ranger had given her. None of this had been witnessed by the ranger, but a form was then signed. It continues —

There are no What Ifs in this situation, ... Benson was not harmed.

The ranger then came to his home later. It continues —

... and at great length quoted the dog act to me verbatim and made it very clear that it was his duty to protect the public against dangerous dogs and their behavior. That may be true in his mind, but the proof is in what actually happened ...

Mr Gordon then asks for my assistance to have the second dangerous dog charge dropped, and obviously that is an issue with the local council at this stage. But his concern is simply that if another incident occurs, it will not be another warning for Max; he will be put down. That is the reality.

Max’s history, like that of lots of dogs, is that he was acquired through K9 Dog Rescue Group, which is a very good organisation in the Peel region; the minister may have even visited it. K9 rehabilitates a lot of dogs that have had various experiences with former owners. Many have been mistreated and many have actually been abused by their previous owners. They are rehabilitated, and obviously all the veterinarian responsibilities, worming et cetera, are taken care of. Those dogs are offered to the public. The people they go to are vetted. K9 is very careful to ensure that it matches dogs with prospective owners.

Max is a dog acquired from K9 and is well known to the K9 crew. Mr Gordon received some professional advice from an accredited behaviour specialist—a fellow named Eric Crozier, a dog assessor. He originally rescued Max from the pound. He wrote a brief report to highlight Max’s circumstance in his professional opinion. It was dated 19 March 2013, and states —

To whom it may concern

I have done three different assessments of max the bull terrier in my official capacity, first as dog assessor for k9 rescue and on two subsequent occasions as a dog behavior councilor government accredited and qualified to level three in dog behavior, in all of these three occasions I found max to be a extremely people friendly dog, showing absolutely no signs of human aggression whatsoever.

Essentially, Max is on tenuous ground at the moment. If something else happens, he already has a label and his owner already has to put up a sign on his fence. This is a photo of Max, obtained when he was acquired from K9. He is an English bull terrier. If we asked people what sort of dog he is without telling them what sort he is, I reckon that 99 per cent of the time people would not pick him as a bull terrier. They would probably pick him as a pit bull or whatever.

The reason that I have raised Mr Gordon’s situation is that I think one of the challenges for us with this bill is how we improve community safety and ensure that kids and vulnerable people are protected. We also need to ensure that we are doing the correct thing when we address dogs of all breeds, ensuring that it is done in a way that is scientific and provides for appropriate and qualified assessment. One of the fears I have is that we are placing a lot of onus on authorised officers, particularly local government rangers, in identifying a dog and then making an assessment of it. Can we be assured that every authorised officer who is given that power through the provisions of this bill is qualified and able to do that in the spirit of the bill? One of the things we might see in the future is many of the officers erring on the side of caution. I am not criticising rangers. We have brilliant rangers in Mandurah; they are great. I do not know whether they are all absolutely and adequately qualified to make that assessment. Sometimes they have to make an assessment fairly quickly. Once that label is placed on a dog, there are huge implications. I am worried that we may see a spike in the number of dangerous dogs being registered or reported. I expect it will happen quite rapidly because there will be a propensity to err on the side of caution. To be honest, I would do it if I were a ranger. I could imagine myself saying, “I’m not quite sure so I will err on the side of caution and label that dog a dangerous dog because then it gives me powers to do certain things. It protects me as an authorised officer, as a ranger, and it certainly protects the community that I am supposed to be protecting.” That is one of my fears.

I note that there are penalties in some clauses. I would love the minister to comment on that when he responds and closes the debate on the second reading. I will leave the subject of dangerous dogs. The members for Maylands, Girrawheen and Mirrabooka, and I am sure government members, also have issues to raise.

I want to talk about the provisions relating to nuisance dogs. There is no doubt that people in communities quite often get peeved about what they consider to be nuisance dogs. We are interested in the minister teasing out even more this whole issue of how we define a nuisance dog. The behaviour of the nuisance dog is defined as being a nuisance. As members well know, there are expanded provisions or criteria in this bill. For example, a dog chasing a car can be labelled a nuisance dog. A dog running up and down a fence line with its tail whacking against the asbestos fence or jumping up against a fence and making a thump thump noise can be considered a nuisance. Also, barking and yapping —

Mr J.E. McGrath: Yapping—you do a bit of that.

Mr D.A. TEMPLEMAN: I do do a bit of yapping. The member was not here when I declared that he could resemble a basset. It was all done in good humour.

This whole issue of nuisance dogs is an aspect that we need to delve into. At present three complaints are required to assist in an action taken against a nuisance dog, whereas this bill will now require only one complaint. In many respects, this bill puts the onus of proving whether a dog is not a nuisance on the owner.

Ms J.M. Freeman: There are no appeal rights.

Mr D.A. TEMPLEMAN: That is right; there are no appeal rights. Some people might, on the face of it, say, “That’s fine. I hate that mongrel next door that yaps every night.” We all have those experiences. Ultimately, if that dog is labelled a nuisance, that has implications, particularly if one is a vindictive person or lives next door to a vindictive person. As I said earlier in this discussion, this community has changed. A lot of people are living on top of each other in higher density housing. People live in blocks of flats and have little Schnauzers in every little room. People live on 200 square metre blocks with small courtyards, yet they keep Alsatians, Dobermans, Labradors or Newfoundlands. I do not know whether anyone has ever seen a Newfoundland dog; it is an amazing dog.

Ms M.M. Quirk: They need saddles.

Mr D.A. TEMPLEMAN: They do! One day when I went to see my friends the Pearsons in Mandurah, they had a new dog called Brereton. I thought I would see a little Shih tzu or little Schnauzer—I love that word Schnauzer—but down the passageway bounded this huge bear-like dog. I would have declared it a dangerous dog immediately before I even got within five metres of it. It was a huge thing. Of course, being my size it would have killed me instantly by running over the top of me, because it was huge, but it would have killed me with love because it went lah, lah, lah! Apparently it is very slow moving; I could get away from it pretty quickly, but they are massive dogs. That dog could have been considered to be a nuisance. Whenever it moved or sat next to or against something, it made a helluva thump. It was huge. When, unfortunately, Brereton met his end—these dogs, by the way, do not have a long lifespan; most of the time they die within five to six years, which is very sad—they almost had to get an excavator to dig a hole in the backyard to dispense with poor old Brereton because he was so huge. I told them to plant some fruit trees on top because “Brereton the apricot tree” would be a great memorial.

That aside, the question of nuisance is an issue. One of the concerns I have is that, unfortunately, a lot of neighbours and other people in the community do not know each other these days. They do not talk to each other; they know there is a dog next door, but they do not know who lives next door. One of the things I worry about, particularly with the provision in the bill that only one complaint need be given, is that, unfortunately, there are vexatious people who will say, “Huh! Here’s my chance to get that dirty, rotten bloke who lives next door; I don’t like him. I hate him and I’m going to get him because I know I can get him now, so I’ll lay a complaint about his dog.” His dog might yap or bark every now and then, but I think there is the potential for vindictive behaviour, particularly if we require only one complaint to trigger a response.

Mr P. Abetz interjected.

Mr D.A. TEMPLEMAN: No, it will trigger a formal response and the onus is then on the owner to prove that old Reg the Rottweiler is in fact a small dog. I really want to hear a bit more about that, minister, because I think the issue of nuisance and what we might be setting ourselves up for is a problem. When the amendments to the act become law, I expect there will also be a spike in those sorts of vexatious complaints. I think it is a real issue for us.

Extract from Hansard

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The other aspects in this bill that I think are important and good are, of course, the safeguards of microchipping for the purpose of identification and registration. Dogs that are transferred to new owners after, I think, November this year will need to be registered and they will need to be microchipped before they are sold or transferred, which I think makes sense. It makes sense that all dogs will be required to be microchipped by 1 November 2015, which is a good lead-in time and is appropriate, and it will assist local governments to identify lost and stray dogs. We have no problem with those aspects.

In the minister's response and in the contributions of other members, we need to get a real handle on the implications of the dangerous dog aspects and the labelling and what that means for owners and the dogs themselves, and on the much greater powers that the minister and, indeed, local government will have. Many local governments have been asking for these powers, and I am sure they will use them. I do not want to see them abuse those powers because that is something we would not want either. I think we need to tease out the dangerous dog and nuisance aspects. Obviously, we strongly support the recognition of assistance dogs and consider the extension of the guard dog provisions to be sensible.

Before I conclude, I want to talk about one of the amendments that we are proposing, which is to undertake a review of the bill within, I think, five years. We are seeking the government's support of a statutory review of this bill because, given all the goodwill and all of what I think are good intentions, we are seeing in other parts of the world, and even in other states, major problems with dog act amendment laws that have passed recently. I understand that in the United Kingdom many of the aspects that we are in fact considering in this bill have been, to some extent, revealed. In the UK, the breed-specific aspect is a strong element, but the UK seems to have retracted from that. I think the Canadian model, which has been mentioned—I am not sure whether the member for Maylands will touch on this—was very much more of a consultative and education-based model, which is worth looking at.

In his second reading speech the minister specifically highlighted the difference between the experience in Victoria with restricted breed dogs and what is intended in this bill, and I think that is good, because certainly he will be well aware of the very expensive court cases that have taken place over recent times in Victoria. The outcome of many of them has been the overturning of a lot of the charges, if we like, against dog owners and the labelling of dogs. The experience in Victoria has been to amend the laws around dangerous dogs. Let us not forget that those laws were initiated by some very serious and tragic dog attacks. The challenge to some of those amendments in Victoria is significant, particularly regarding the dogs themselves. We need to look at what is happening in other states. There also have been issues about the acts of Parliament that govern dog ownership in New South Wales, where a tragedy occurred on the weekend. I think, member for Maylands, that in Queensland—I am not sure whether it is Queensland or another state—there has been some questioning of the effectiveness of its legislation.

In conclusion, the opposition will support the bill. We have what I believe are some minor amendments, particularly around definitions, that we will ask the government to consider during the consideration in detail stage. As I said, we would also like the minister to entertain a statutory review clause, so that if we find in the next few years issues around the implementation of this bill, unintended or otherwise, we will have an opportunity to review them. As I said, in our amendment we will propose it be five years. I will be interested in the minister's reaction to that proposal. It is being done simply to recognise that we are bringing in some important changes that have implications for dog owners, dog breeds and dogs in general and we want to make sure that we get it right. If over the next five-year period we find that some elements did not work or need to be reviewed or amended, we have put in place a milestone to do that. I am interested in the minister's comment on that.

Finally, quite often this sort of legislation is more important and has more impact than we sometimes realise. We have lots of acts of Parliament that we debate and discuss and some members speak on them and some do not, but this is actually very much a community act of Parliament. The Dog Amendment Bill 2013 goes to the centre of what we do and what we value in our communities. We all value safety but we also value companionship. As I said at the beginning, more and more people in Australia live alone in single-person dwellings. There is very strong scientific evidence that dogs and other pets provide important mental health and physical health benefits. We know, for example, about the Eden Alternative, which is not new anymore—a philosophy of helping and assisting older citizens who are in care, particularly people who have Alzheimer's disease or the onset of dementia. Many nursing homes have a nursing home pet, usually a dog. Usually that dog is a very important integral part of that nursing home family because of the benefits that that dog brings. For many of those older citizens, particularly those who have the onset of dementia or Alzheimer's, having a communal pet gives them glimmers of their life that their brain unfortunately has begun to overshadow or lose the memory of. Therefore, when we put bills such as this through Parliament, we need to remember that they very much go to the centre of a lot of who we are as a community. This legislation was last amended in 1976, 37 years ago, and more people live in Western Australia and more people live alone than was the case then. More people live in different

household circumstances. The old days of the quarter-acre block where the dog could run around the back and play with the kids is changing and has changed dramatically in that time. Therefore, we need modern legislation that will protect but we also need legislation that will work. I hope that the minister will look at the amendment for a statutory review after five years that we will move in consideration in detail.

MS L.L. BAKER (Maylands) [11.44 am]: Before I start my contribution on the Dog Amendment Bill 2013, I need to acknowledge some of the input that I have received. As members who have been working on this bill know, there has been far too much input to cover everybody's point in half an hour. However, there are a few organisations that I would like to name as contributing significantly to my understanding of the science, facts and evidence base around this highly complex and very emotional issue. I will just list them: the Canine Welfare Alliance of Australia and its various members contributed last year to my understanding; Ken Storrs, senior lecturer at Challenger Institute of Technology, is involved in the presentation of the certificate III and IV on animal behaviour management that specifically looks at this area, and is a former local government ranger who is very passionate about trying to get this legislation improved; and the WA anti-breed specific legislation organisation. As members who were in the house yesterday will remember, nearly 13 000 people have signed petitions to try to alert the Minister for Local Government to some of the potential gaps in this legislation. Perhaps "gaps" is not the right word; the legislation allows the door to be kicked open on some possibly very negative consequences for many breeds in Western Australia. I thank the RSPCA Western Australia for its contribution. Thanks to the WA chapter of the Working Kelpie Council of Australia, which provided advice last year on this legislation, and to Oscar's Law, a group that looks specifically at ways to eradicate the practice of the intensive farming of dogs, puppy farms and the like around Australia. Those are just some of the many, many substantial submissions that I received. As I said, many of these points I cannot cover in half an hour but I will try to pick most of them up at the consideration in detail stage. I am sure that many of us on both sides of the house will have some comments to make then. Before I start my comments on the bill, I also acknowledge that I received submissions from veterinarians with animal management master's degrees and the like from all over the world, from vets who have been posted and worked all over the world in this area, from doctors who work on people who have been attacked by a dog and from various other animal management experts.

I point all that out because I hope to speak in my presentation from a position of fact rather than emotion. I said at the beginning that this is a very emotional debate, but I would like to present some of the scientific evidence and the facts around this issue. I will start by talking about the aim of this bill. 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.

Before I continue, I should also thank the staff from the minister's office who have provided me with responses to many furtive phone calls asking, "What happens if this? What happens if that? Can you provide information about that?" They have been really, really helpful—thank you. I also thank the many agencies that have been contacted and had meetings with the minister's staff.

There are good parts to this bill. We heard my colleague the member for Mandurah talk about the widening of the legislation to recognise assistance dogs. We all have assistance dogs working with residents in our electorates. Whether they be guide dogs for the blind, hearing dogs or any other kind of assistance dog to deal with sensitivities and various conditions that people have, these dogs contribute immeasurably to our society and are an inherent part of our communities these days in many ways. They contribute in a very medical and health-related way, in addition to their very positive mental health contribution to the wellbeing of our community. Recognition of the role of commercial security dogs is also well overdue and I acknowledge that that is a very good part of this bill. A small conundrum and something that I completely agree with is recognition that greyhounds do not need to be muzzled in public. Why? Because greyhounds are really nice dogs; they do not by and large attack people; they do not go after things. Greyhounds are trained creatures in a racing establishment and are programmed; it has nothing to do with their genetics. Genetics has to do with the synapses and chemical components of a body; they do not predicate behaviour and they do not predicate it in the case of a greyhound. I know that my colleague the member for Gosnells has a retired greyhound that has been well trained, has attended courses and is a very valued member of the member's community, which is a very good thing. That is in stark contrast to the controls that were brought in for a different set of dogs that at this moment in our community is currently considered to be the enemy. If members look back in history to 1929 when the first legislation of this kind went through the Parliament, it was claimed that German shepherds were dangerous dogs. I think that came mainly from our farming community, which thought German shepherds would all breed with dingoes and kill their sheep. That seems ridiculous now! German shepherds are not dangerous dogs; they are dogs. They are no more dangerous than any other dog—unless they are trained to be that way. I can assure members that they do not get up in the morning and think, "I would like to train myself to attack something today!" No, they do not—unless it is a tin of Pal or a dog biscuit, if they are companion dogs.

I will move forward to the next creature that humanity decided would be the subject of enemy categorisation, which I think was a Doberman. They bounded into our consciousness as a community and became the epitome of all things vicious and savage. Even those “Warning Dangerous Dog” signs show a dog with fangs bared that easily resembles a Doberman. These norms are culturally driven. In all parts of our lives, we are culturally driven by what our community thinks is appropriate at a particular time. I emphasise this will change, as it did with Dobermans. After the community’s fear and loathing of Dobermans receded, the Rottweiler cropped up. There was one here at Parliament House yesterday, Rosie the Rottweiler, which licked just about everything she could possibly get hold of; but when her owner dropped the leash for a photograph, held up her hand and told Rosie to sit and stay, Rosie never moved. The owner went away; Rosie was in the middle of a group of strangers but she never moved. She looked at her owner, waiting for advice and connection, but Rosie never moved. Rottweilers are not dangerous dogs; they are just dogs. The problem that we see in the community at the moment is with this so-called nemesis, the pit bull terrier, or any dog that might resemble in some way a pit bull terrier. I will talk about that in more detail later.

Another good bit in this bill is that it gives local government authorities a capacity to address complaints of nuisance dogs. I say that emphatically, because we have all had people in our communities who knock on our electorate office doors asking if we can help them because the dog next door is giving them the heebie-jeebies. They say that the owners do not care for the dog; it is locked outside all day and the owners do not interact with the dog; it is going mad in the backyard; it is a crazy dog—a nuisance dog. It does not take much to realise why the dog is in that position and whose fault it is. This bill will give local government rangers the capacity to deal with nuisance dogs more quickly and effectively. The downside of that is that by lowering the burden of proof and the definition of what a nuisance dog is, we may end up with some potentially ridiculous situations occurring. I will mention one lady in my electorate, Joan, who came to me just before the election. Joan has owned her house in Inglewood for 22 years; it is a lovely Californian bungalow and she is very happy there. She has had her dog for nine years. He is very cute. He is only small and looks like a mop! I am not sure what he is, but he is very cute. Her dog has happily lived with her in this home for nine years, but six months ago a new neighbour moved in to rent the property next door. In fact, a girl was renting the house previously and her new boyfriend moved in. He is obviously a light sleeper or a person susceptible to noise. I suspect members would relate to this, because every time magpies are nesting, people complain about magpies swooping, while we have other people complaining about crows and parrots being too noisy. Some people cannot cope with these noise levels and believe it is nuisance behaviour. I understand that, but by lowering the burden of proof, the man next door to Joan and her beautiful little dog that she has had for nine years will be able to take action to have that little dog removed. Joan has been struggling. She has put different collars on her dog and done all sorts of things; she has done everything she possibly can, including leaving her dog inside, but the neighbour is obviously not a happy bloke and he continues to pursue her. She has got the council in to measure noise levels. She has done all the right things, but the neighbour is not a happy man. There is nothing Joan can do about making her neighbour happier. Do members know what Joan is going to do? Joan will sell her house! I think that is a bizarre outcome, and members in this chamber who do not have animals or do not understand the kind of relationship somebody might have with a companion animal might also think that. However, it is a very real problem for Joan. This dog has been her sole companion for nine years and she no longer wants to live in a place where every time she goes out her front door, she worries that the dog will be poisoned or taken away from her.

That is just one example I bring to members. It might sound extreme, and many members will scratch their heads and frown and say they cannot believe anybody will be that stupid, but many people consider that a dog is part of their family and is their companion and they will take whatever measure to protect that. By lowering the burden of proof as to what is a nuisance, a little dog that chases a car can be proven to be a nuisance dog. That is completely dumbfounding. I cannot possibly believe we would lower the burden of proof to that level. Reversing the onus of proof simply means that if a ranger or authorised person has come in—my colleague the member for Mandurah has sensibly pointed out that the dog has been labelled a dangerous dog—the onus is now on the owner of that dog to prove it is not a dangerous dog. I think swapping the onus of that burden of proof holds great concern for the community of dog owners, which is an ever rapidly increasing community. I am sure all members know that; they are a major part of our constituency base as most people in the metropolitan area, in particular, have pets and vote. They will be really cranky if all of a sudden they will have to prove their dog is not dangerous.

I want to mention a couple of other things. I am concerned about taking out the provisions on the care and wellbeing of dogs, and owners’ responsibilities. I totally understand why the minister might think that the wellbeing and health of a dog, making sure it is wormed and taken to the vet and looked after in a way which is humane and appropriate is more a part of animal welfare than the Dog Act; however, removing those provisions from the act will leave a gap and will end up focussing only on control and order rather than on health and wellbeing. It will be a very sad day to see this act lose any reference at all to whether or not animal owners care about the wellbeing or health of their dog.

Extract from Hansard

[ASSEMBLY — Thursday, 8 August 2013]

p3084b-3095a

Mr David Templeman; Ms Lisa Baker; Mr Chris Tallentire

Local rangers are concerned about this bill because they are being asked to make decisions about going onto someone's property without their permission and deciding whether a dog is likely to attack. We have heard in some detail from my colleague about what that means. The problem is that at the moment, as I said, the devil is seen to be a dog that resembles a pit bull terrier, which is topical. That is the only one of the five restricted breeds we have in WA; therefore, that breed cops all the grief. I have permission from the Speaker to hold this poster up. I have some pictures from *Urban Animal* that I want to show members and to talk about them. If members were asked to assess whether these puppies were in any way a crossbreed of a pit bull terrier, how would they make that decision? These puppies are Staffordshire terriers crossed with Vizslas, but they have liver points, white patches and almond eyes, which means they could easily be in the firing line. For someone who is not a trained animal management person or is not trained in animal behaviour or assessment, it would be easy to consider that they are pit bull crosses. Rangers might be asked to assess whether a dog is a pit bull or has pit bull in it. One myth is that pit bulls are not good with other pets. The dog in the poster I am now holding up looks like it has pit bull in it. Would someone be able to tell any different with DNA? No, they would not. This is a Staffordshire bull terrier that was rescued from the pound. His name is Ralph. He loves the company of the household cat and rainbow lorikeet, and he loves meeting new dog friends. That is what his little cheat sheet says. That is Ralph.

Mr R.F. Johnson: He doesn't love them for dinner, does he?

Ms L.L. BAKER: No, he does not love them to death!

This poster is of a classic dog that one would be easily forgiven for thinking is a pit bull terrier. It looks like one; it looks like it has pit bull in it.

Mr R.F. Johnson: He reminds me of somebody.

Ms L.L. BAKER: Sorry; it was probably not appropriate for me to hold the poster above my head, considering that I am on film!

[Member's time extended.]

Ms L.L. BAKER: Jinx was rescued from a backyard breeder. Jinx has never been in a fight. She is a happy family dog that loves social outings. Just so that members are aware, the posters also highlight some myth information. The comments at the bottom of the posters are myths, such as that pit bulls do not mix with other animals or have a lock jaw. I will leave the posters on display while I finish.

I have so much information that I could go through. I will talk about the process of assessing whether a dog is dangerous. For example, a ranger picks up a dog after a thunderstorm. The dog is out of its home and is mortally terrified—many dogs are very frightened by thunderstorms. The ranger finds the dog and, in order to keep it safe, he or she rescues it. The ranger has a pole with a rope on the end of it that he whacks around the neck of the dog. This is a new experience for the dog. It is out of its home, it is terrified from the thunderstorm and now some big dude with a bit of rope and wire has just grabbed it around the neck and shoved it in the back of a van. The dog has no idea what is going on. It is then taken to a kennel or a pound somewhere. I have been to the pound at the City of Bayswater. It is a concrete box. It is not at all a place that would calm a dog. It is a concrete box with no windows, no natural light—nothing. The ranger is then faced with having to swipe that dog to see whether it has a microchip. People who are trained animal management specialists, who have a certificate III or IV in animal science, know what to look for and what is a dog's natural reaction to stress. Make no mistake—aggression is a natural, innate behaviour of dogs in response to stress. It can be the result of a number of different factors; the dog could be sick, frightened or hungry. This is a natural reaction. To say that aggression is provoked in an animal is not directly scientifically correct. None of the evidence suggests that it is. Aggression is a behaviour in response to stimulus and situations. If the ranger tries to swipe the dog and gets bitten, he has every right to label that dog a dangerous dog. I do not think that is okay. If a ranger wants to go onto a property to confiscate puppies or a dog that they think is a mixed breed, they can do that. There is no protection under this bill for a bitch to not be accused of being a dangerous dog if, for example, somebody strange comes into the backyard and grabs her and takes her away from her litter of puppies or grabs her puppies. That dog could be labelled dangerous simply for protecting her own young. A brochure I have on animal stress states —

The kennel environment can be stressful and dogs often show stress-related behaviours such as pacing and barking. Some develop diarrhoea and go off their food worrying owners ...

It also worries the new people, the kennel staff, they are encountering.

I have talked about how hard it is to identify these breeds. The characteristics that are likely to be used to help identify pit bulls are almond eyes; a short, chunky, strong build; pink or liver markings; and/or white markings. A very quick assessment of dogs that match those criteria gave me 30 different breeds of dog. It is quite likely that a ranger will make a mistake, because the dog that they think is a pit bull could be a Staffordshire cross, a spaniel cross, a Weimaraner cross, a dachshund cross, a malamute cross or a Dalmatian cross; there are 25 other

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crossbreeds that it could be. I suspect it is pretty obvious why Victoria has spent a fortune on prosecuting cases, which have proven to be completely incorrect. Local governments have to go to the Victorian Civil and Administrative Tribunal when somebody says that their dog is not what the local government is saying it is. They have had to pay for their own DNA testing, which is not an easy thing to do. They have had to front up to court, with legal representation on some occasions, to prove that their dog is not what the local government has claimed it to be. There are 30 different dog breeds—many breeds—that they could be. Nearly 80 per cent of cases that have been taken through the Victorian courts have proven to be a misrepresentation of the breed of dog. It has cost local government authorities in Victoria hundreds and thousands of dollars.

Can we predict which dogs will exhibit aggressive behaviours? No, we cannot. I will read directly from some notes that have been provided to me by Mary Cecile Ashen-Young, who has a master's degree in animal behaviour. She notes —

We cannot predict which dogs will exhibit active aggressive behaviour based on the dog's perceived breed: breed on its own is not an effective indicator or predictor of aggression.

I acknowledge, minister, that this bill tries to move to the deed and not the breed. The catch is that it will give rangers a possibility that a dog might be likely to attack. This bill is broadening the base, which will open the door for these dogs to be further victimised. That is what has got the community upset. The temperament test that rangers will evidently be using cannot reliably predict which dogs will exhibit aggressive behaviour. Ms Ashen-Young notes —

Temperament is a term used to describe a collection of stable behavioural tendencies ... Temperament is made up of individual 'personality' traits.

Rather than temperament tests, what are usually administered are more accurately called behavioural tests. These tests are ... inadequate ...

I have more detail on that which I will refer to in the consideration in detail stage.

Most dog attacks occur in the home by a dog known to the victim or the family. The whole notion that someone might be attacked by a stranger's dog is in fact often not true. Golden retrievers are just as liking to attack people as Rottweilers or pit bulls—I have been given scientific evidence of that. That is the science on the matter. The American Temperament Test Society was established to objectively evaluate the temperament of all breeds, and tested 22 000 dogs over 185 breeds. The average pass rate of the breeds tested through these assessments of behaviour and temperament was 80.4 per cent. Funnily enough, the American pit bull terrier passed the temperament test with 82.7 per cent, so it actually tested better than average on temperament. We are talking about 22 000 dogs here. This was not a small test; it is scientifically valid and reliable. To victimise one breed of dog because one assumes that it is likely to behave in a certain fashion is clearly incorrect, inappropriate and, in many cases, harmful.

I want to talk about some of the things we could do that would be positive. I am sure the minister is aware that the Australian Veterinary Association last year made its first public comments on this issue in the same week that the former minister put out the first draft of this bill. The AVA said that legislation that focuses on victimising one breed above another does nothing to lower dog attack rates or make the community safer. In fact, it said it was counterproductive on many fronts.

The money spent on education programs and getting more people to train their dogs is laudable and that is where this bill should focus. Too much capacity has been given in this bill to victimising an after-the-event fact. The clear and obvious question is: why are we not managing dog ownership better and working to stop the backyard breeding and sale of dogs? If we did that, people would no longer be able to go to the shopping centre notice board and find out where to buy a puppy; they would have to go to a bona fide breeder who sells a puppy that is probably sterilised and microchipped at the appropriate time in its life. An owner can then trace the dog's breeding history for disease, behaviour and temperament and source all the information required. More than 30 000 dogs are euthanased in Western Australia every year. This change would slow down that rate. The average age of a dog in this country is four—that is scandalous—not because they die early, but because we kill them because we often do not understand what we are bringing into our homes when we get a puppy and do not know how to train the dog. We need to focus more attention on educating people about what to look for when buying a puppy and offer real incentives. About 10 years ago, previous submissions on this matter had far greater incentives to encourage people buying a dog to sign up for sterilisation, microchipping and behaviour training programs run by accredited trainers, and to do a better job at managing the front end so that we do not end up with a nuisance dog barking because some owner has no idea how to look after it. I have a rescued dog that was kept on a tiny deck by its previous owners. It is a male Weimaraner and it is a very big dog. When I phoned the previous owners to tell them that the dog was okay, they asked if I had managed to calm it down. There was absolutely nothing wrong with this dog. It was an 18-month old puppy. It is a big dog. Puppies are

silly; it is in their nature. They want to run about the place and jump and greet people. Without the right training or exercise, if the owner is ignorant, of course there will be problems.

I absolutely applaud the provision in this bill that any children in the presence of these animals must be supervised. Last week there was a horrific death in New South Wales. I was given some facts about what happened, including that the dog involved was a large breed owned by a third person. The dog was not in its regular home when the incident occurred and it had been trained as a hunting dog. The toddler's mother was not available to protect this weeny baby. Someone let a two-year-old child run in and out of the house with an unrestrained hunting dog, which was referred to by the media as a family pet. Really, this is just not okay, and we are trying to euthanase dogs. People should not have dogs in the first place if they cannot care for them. If people do not understand how their dog should be trained and managed, we should not let those people buy dogs.

There are many other points that I could make. I particularly want to recommend the Calgary model, which does not have a breed-specific component in it. The Calgary model has single-handedly, through its implementation by raising the fines, lowered dog attack numbers by 70 per cent since its implementation. This bill raises fines and we will say a lot about people's capacity to pay and the type of people who might incur these fines and then find themselves liable for tens of thousands of dollars.

MR C.J. TALLENTIRE (Gosnells) [12.14 pm]: I rise to speak to the Dog Amendment Bill 2013. It is important to get it right when dealing with legislation about important companion animals such as dogs. Our companion animals play a very important family role. They are very helpful in dealing with the day-to-day stresses of modern life. There is no doubt that coming home to a happy, welcoming family is nurturing. It is something that reassures us and, if included in that pleasant, happy family environment is a four-legged friend with a wagging tail, then that is appreciated as well. One of our Labor leaders is famous for saying, "If you want a friend in politics, you should get a dog." That is an interesting comment and a further reflection on the idea that dogs give us unconditional love, loyalty and companionship. It is important to say that they help instil a degree of routine in our lives, which is very healthy. As members of Parliament, we have notoriously difficult lives that often do not have routine, but there is something about the daily practice of getting up and taking the dog for a walk, or perhaps getting its food; it is a routine that has to be stuck to. Other members of the family may have their own routines and are flexible and variable in habits but our four-legged friends need that reliability; they thrive on it and they expect it, which helps keep us in a certain routine.

Companion animals are very important to our lives. I encourage all Western Australian households to own a dog, but what kind of dog should they have? There are many breeds and styles of dog. We need to ensure that Western Australians understand that some dogs will not suit all households. We have to make the right choice. A legislative framework can guide us in that choice. If people are tempted to get a breed of dog that is perhaps inclined to be aggressive, they could be won over by the idea that they may need to get a dog that is more reliable, sturdy, quiet, docile, and a more companionable animal than one that is sometimes thought of as a slightly more aggressive breed. I do not suggest that some breeds are naturally aggressive. I am aware of the comments made by the members for Maylands and Mandurah and I do not believe there is such a thing as an inherently aggressive dog. In this case it is a question of nurture, not nature. If people do not put in the time to ensure that the dog is a happy animal, there is a risk that it could become an aggressive or stressed animal, and that is when we get into the real problems that I know aspects of this legislation are designed to protect the community from. It is important that this legislation makes sure that people are aware of their responsibilities, and to that extent I support these amendments, as they seek to instil in the community a sense of the responsibility that comes with dog ownership.

I return to the issue of people choosing the right breed or style of dog for their particular household. I am very fond of border collies and other working dogs. I know that they are very active dogs, so with my personal circumstances I do not think I could provide a border collie with the level of exercise and activity that it would need. The desire that a border collie would have to want to work in a paddock—perhaps the sort of situation that people in your electorate would face when choosing a dog, Mr Acting Speaker (Mr I.C. Blayney)—is not something that I could afford that dog. There are many other breeds that would be suitable for my circumstance and, as the member for Maylands has foreshadowed, I have become the owner of a retired greyhound. He had a relatively successful racing career earning just under \$20 000, and he retired at the age of five. He has now made an absolutely fantastic pet. He is a loyal and easy dog to have; he fits in beautifully and he does not require much exercise, contrary to popular belief. People would think that a greyhound would need lots of exercise, but that is not the case. He is very happy to relax. I think that comes from the life he led during his racing career. He was given training and exercise but when he was not training or exercising, he was held in his kennel.

Debate interrupted, pursuant to standing orders.

[Continued on page 3112.]