



**The Hon Tony Simpson MLA
Minister for Local Government; Community Services;
Seniors and Volunteering; Youth**

Our Ref: 49-02055

Hon Stephen Dawson MLC
Deputy Chair
Standing Committee on Environment and Public Affairs
Parliament House
PERTH WA 6000

22 NOV 2013

Dear Mr Dawson

PETITION N^o 12 - BREED SPECIFIC RESTRICTIONS

Thank you for your letter dated 12 September 2013 in which you give me the opportunity to provide comments on a petition tabled by Hon Darren West MLC in the Legislative Council on 7 August 2013.

As you are probably aware, the *Dog Amendment Bill 2013* passed through the Legislative Assembly on 19 September 2013, and was introduced into the Legislative Council on the same day.

This Bill is the result of extensive consultation undertaken over the past ten years. Consultation phases resulted in 1500 submissions from the public and key stakeholders including the Western Australian Local Government Association, Western Australian Rangers Association and the Royal Society for the Prevention of Cruelty to Animals WA.

In addition to providing greater protection to the community by improving the provisions relating to dangerous dogs, the Bill includes amendments to meet changing community expectations in areas such as microchipping, lifetime dog registration and assistance dogs. It also resolves a number of enforcement and administration issues which were raised by local governments and the community, especially regarding nuisance.

In regard to the breed specific legislation, the initial introduction of legislation placing restrictions on specific dog breeds is a result of a Council of Australian Governments' (COAG) agreement in 2002 to reduce the occurrence and severity of injury caused by the dogs banned from importation into Australia.

The Bill proposes to move the requirements in the current *Dog (Restricted Breeds) Regulations (No. 2) 2002* to the principal Act, and at the same time strengthen the provisions to protect the community. The breeds that are restricted include the Pit Bull Terrier.

The strengthened provisions include the banning of the sale, transfer and advertising for sale, of all restricted breeds. It also requires that precautions are taken to safeguard

children and the community. The Bill does not authorise the seizure of restricted breed dogs already living in our community. This is what differentiates the Western Australian legislation from the Victorian model.

While it is acknowledged that identification of a Pit Bull Terrier or Pit Bull cross is difficult, most people know whether they have purchased this breed of dog. If a local government ranger determines that a dog is deemed a Pit Bull Terrier, the owner will be required to put safeguards in place. However, if the owner does not accept the determination, and does not want to abide by the security provisions, the matter can be taken to court. It is then up to the Court to determine the breed of the dog based on the evidence put to them and on the balance of probabilities.

A number of studies have shown that Pit Bull Terriers are overwhelmingly the greatest contributor to fatalities and serious injury from dog attacks. Opponents of breed specific legislation argue that the total number of attacks by the restricted breeds is small relative to some other breeds. However, analysis of New South Wales data, where dog attacks are required to be reported within 72 hours, clearly shows that the Pit Bull Terrier is one of the most dangerous breeds in Australia, measured as its propensity to attack (the attack rate per 100 registered dogs). Over the six years that data has been collected and collated, the Pit Bull Terrier – whether a pure breed or a cross breed – has never been outside the top five most dangerous dogs, and five times it has headed the table.

It is accepted that any dog can attack, and this is why the legislation includes provisions to declare a dog dangerous that has attacked, or repeatedly threatens to attack. If a local government declares a dog dangerous, it places specific restrictions on ownership of the dog, including the need for it to be muzzled in public at all times.

The declaration of dogs as dangerous as a result of their behaviour is in line with the Calgary model referred to in Ms Leece's letter. This approach is already in place in Western Australia, and the Bill strengthens these provisions. However, while the COAG agreement remains in place banning the importation of specific breeds, the Pit Bull Terrier and other restricted breeds must remain restricted under the Western Australia legislation. If the legislation protects just one child from being killed or severely injured, it is worth the restrictions on this breed of dog.

The Bill is also designed to encourage responsible dog ownership. It increases penalties for all offences, and provides for the courts to direct offenders and their dogs to participate in dog training. These provisions, in conjunction with education strategies run by local governments and the Liberal-National Government when the Bill takes effect, will assist with ensuring that dog owners take more responsibility for their pets.

Once again, thank you for providing me with the opportunity to make a submission regarding the issues raised by Petition No 12.

Yours sincerely



**HON TONY SIMPSON MLA
MINISTER FOR LOCAL GOVERNMENT; COMMUNITY SERVICES;
SENIORS AND VOLUNTEERING; YOUTH**