

29 March 2022

Hon Peter Foster MLC
Chair
Standing Committee on Environment and Public Affairs
By email: env@parliament.wa.gov.au

Dear Sir,

I write in response to your correspondence of 11 March 2022 in relation to Petition No. 020 - *Dog Act 1976*.

RSPCA WA understands and sympathises with the motives that underlay the petition.

RSPCA WA supports and campaigns for responsible pet ownership. We also aim to promote animal welfare in a number of ways through community engagement. Examples include Community Action Days, held in areas from which high numbers of cruelty reports are received and at which pet owners have access to free pet food and flea treatments, microchipping, health checks and training/behaviour advice. In addition, RSPCA WA's AWARE program integrates animal welfare themes into the existing Western Australia primary school curriculum. The program teaches children to have empathy for animals and demonstrates ways for them properly to care for animals, helping to drive lasting improvements in animal welfare.

RSPCA WA also offers a number of dog training classes for dogs of all ages. Training is an important part of any dog's life. For puppies in particular, it is an important way for them to learn how to socialise appropriately with other dogs. Puppies have a 'critical socialisation period' from about 3-17 weeks of age. This is the time when they need to socialise with other dogs in order to learn social cues and how to communicate well with other dogs.

However, while we are grateful for the opportunity to make comments on the terms of the petition, I am not sure that RSPCA WA is best placed to make any substantive contribution. The petition calls for an enquiry into the *Dog Act 1976* ('Dog Act') which is administered predominantly by local governments. RSPCA WA has no role under the Dog Act and, for example, lacks the statutory authority to conduct prosecutions in relation to dog attacks. However, RSPCA WA believe education brings more responsible pet ownership and would, in broad terms, support the third limb of the petition - that is, a compulsory education program for dog owners convicted of an offence under the Dog Act which involves a dog attack.

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Having said this, there is one consideration which might be of assistance to the Standing Committee. The Member who tabled the petition, the Hon Tjorn Sibma MLC, did so in part on the basis that the Dog Act 'is now 45 years old and ... has not been subject to a dispassionate review of its adequacy'. In fact, this statement is not correct.

The Dog Act came into operation in December 1976. It has been significantly amended on two occasions, by the *Dog Amendment Act 1996* (to insert provisions dealing with dangerous dogs) and by the *Dog Amendment Act 2013* (to introduce compulsory microchipping and to augment the provisions relating to dangerous dogs). The *Dog Amendment Act 2013* came into operation in November 2013. Section 60 of the *Dog Amendment Act 2013* required the Minister for Local Government to carry out a review of the operation and effectiveness of the Act as soon as practicable after 1 January 2019.

In the event, the statutory review of the *Dog Amendment Act 2013* was undertaken at the same time as a review of the *Cat Act 2011*. The statutory review of the *Cat Act 2011* and the *Dog Amendment Act 2013* conducted by the Department of Local Government, Sport and Cultural Industries can be found online at this link on the [DLGSC website](#) .

The Executive Summary of the review included statements that:

'The Department of Local Government, Sport and Cultural Industries (the department) has completed a statutory review of the *Cat Act 2011* (Cat Act) and the *Dog Amendment Act 2013* (Dog Amendment Act).

The *Dog Amendment Act* was introduced in 2013 and includes provisions for the compulsory microchipping of all dogs and new dangerous dog requirements to **improve community safety through stricter control of dangerous dogs**.

The review commenced on 12 May 2019 for a 12-week period with the release of the consultation paper: *Pause for Paws, Feedback on Dog and Cat Laws in WA*. The department received over 1250 written submissions (of which 1192 related only to greyhounds) and 5822 online survey responses. Workshops were held in the metropolitan area and in regional centres to gather feedback from rangers and other local government staff. The department also met with stakeholders including the Cat Haven and Dogs Refuge Home.

The purpose of the review was to gather feedback and information about how effective the Cat Act and the Dog Amendment Act have been, whether they should continue and whether there is the need for a full review of both Acts. Following analysis of the issues raised during the consultation period, a number of findings have been made as outlined in this report.

It should be noted that while the review focused on the entire Cat Act, it only focused on the amendments made to the Dog Act in 2013.

While submissions received during the review indicated that many of the provisions of the Cat Act and Dog Amendment Act have been (or may be) effective overall, feedback also showed that an important component to improving the operation and effectiveness of both Acts is providing suitable education campaigns to the public to promote responsible pet ownership and greater understanding of the laws that currently exist, and for more effective and consistent enforcement of laws' (emphasis added).

The penultimate paragraph of the Executive Summary reflects the fact that the statutory requirement for review applied only to provisions added by the *Dog Amendment Act 2013* and not to the whole of the Dog Act. However, the *Dog Amendment Act 2013*, and the provisions in the Dog Act which it introduced and amended, were concerned with registration, microchipping, and in particular, with the laws relating, in broad terms, to dangerous dogs and dog attacks. This last issue is exactly the area to which this petition is directed. The review included headings, dealing with dogs, as follows.

- 2.4 Nuisance dogs
- 2.5 Dog attacks
- 2.6 Dangerous dogs and restricted breeds

It seems, with respect, that an inquiry very similar to the one which the petition seeks to instigate has only recently been conducted. This consideration might be of assistance to the Standing Committee in forming its view on the merits of holding a further inquiry and the terms of reference of that inquiry.

While mentioning this factor, I might also note that, within a few more years, there will be another statutory review of the Dog Act. Section 43 of the *Dog Amendment (Stop Puppy Farming) Act 2021* inserts a new s 54J into the Dog Act, requiring a review of the amendments made by the *Dog Amendment (Stop Puppy Farming) Act 2021*. This review is to be conducted as soon as practicable after the 5th anniversary of the commencement of the *Dog Amendment (Stop Puppy Farming) Act 2021*.

Yours sincerely,



Lynne Bradshaw AM
Chair of the Board