

DRAFT SECOND READING SPEECH

HON. PETER GUTWEIN MP

Dog Control Amendment Bill 2017

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I move – That the Bill now be read for the second time.

Mr Speaker

Australia has one of the highest rates of pet ownership in the world with about 63 per cent of households having a pet. Tasmania has the highest rate of pet ownership in Australia and Dogs are the most common pet. Mr Speaker it is important to have contemporary dog control legislation. It is also important to those administering the legislation such as councils and to those in the community who own a dog and those who do not.

The Dog Control Amendment Bill 2017 (the Bill) supports councils who administer dog control powers under the *Dog Control Act 2000* (the Act); promotes public health and safety; aligns with the increasing awareness of the community around animal welfare; and supports the rehoming of ex-racing greyhounds. The amendments were overwhelmingly supported during the final consultation period with 129 submissions being received.

Mr Speaker allow me to start with one of the most topical amendments to the Act relating to greyhounds. The amendment will enable greyhounds that have been trained and assessed by organisations whose programs have been approved by the Director of Racing to be walked on a lead in a public place without a muzzle. This amendment will assist organisations to rehome ex-racing greyhounds that will be able to go for walks on a lead unhindered by a muzzle with their adopting family.

This amendment was overwhelmingly supported by the community and organisations who rehome dogs. It reflects the recommendations by the Joint Select Committee of Tasmania's Greyhound Racing Industry. It also reflects the community's changing attitude towards the welfare of animals. In the long term it will show people in the community that greyhounds are gentle dogs that make good pets. This will support Greyhounds Australasia to meet the target of zero euthanasia for ex-racing greyhounds. This will also support the sustainability of the Tasmanian greyhound racing industry.

I now want to mention one matter that became a significant social media issue in recent times and this was an attack by a dog called Kodi, on an 11 year old boy who sustained serious injuries.

I am informed that this incident is now the subject of a civil legal action. Future changes to the Act may be considered based on the outcomes of the case.

While the incident is an emotive one, I urge community members to exercise caution with regard to making comment on it. I would also refer Members in this place to the Police account of the incident, which was publicly released and is materially different to what has been described on social media.

Mr Speaker it is also important to note that the existing provisions of section 19(7) of the Act provides that it is a defence against prosecution for a dog attack if a dog is being used in the reasonable defence of any person or property or where the dog is being teased, abused or assaulted.

The majority of the amendments in this Bill provide clarity in the legislation and will assist councils to manage and control dogs in their municipalities. For example, dog owners will now be required to include their dog's microchip number when registering or re-registering their dog. This will help councils identify dogs at large.

There is also an amendment to the Act that requires the owner of a dangerous or restricted breed dog who is transferring a dog permanently to another municipal area to ensure the relevant council is notified within 14 days of the dog's movement.

There is also a new offence provision for failure to notify the relevant council within the 14 day period so that this requirement is consistent with other provisions in the Act.

The amendment closes a gap in the Act and will provide councils with better information on the number and location of dangerous or restricted breed dogs in their municipalities.

Mr Speaker we all know there are benefits of owning a dog and being able to enjoy walks with your dog in public places. This is a valued past-time for many people in our Tasmanian community. Having said that, there are times when dogs should be restricted from areas and events to ensure the health and safety of the public.

Some examples may include children's playgrounds, sections of parks and beaches, markets and other outdoor events. There are also places dogs should be excluded from to protect other animals and flora, such as birds nesting on shores or migratory birds feeding or roosting. Previously councils could only restrict dogs at certain times or seasons however the amendment enables councils to restrict dogs permanently from specified council controlled areas.

The council will still be required to review declarations of permanent restrictions every five years, notify the public and consider feedback about the declarations.

Increasing clarity of legislation where possible is important Mr Speaker, and several amendments have this purpose. For example there is now clear delineation between what an owner needs to do to be in control of a 'dog' compared to what an owner needs to do to be in control of a 'dangerous or restricted breed dog' or to be in control of a 'greyhound'.

Another amendment clarifies that councils can 'seize and/or destroy' a dog if the dog has caused, or is likely to cause, injury or death to a person or animal, or if the animal is seriously injured or disabled. The Act currently says 'seize or destroy' and the amendment clarifies the provision to reflect the original intent of the Act.

Mr Speaker the Bill also provides clarity for those who have rural properties with livestock for primary production. There are provisions in the Act which allow an owner of such properties to protect their livestock from a dog at large on their property.

However, it is currently unclear what is meant by 'primary producer' and 'livestock' so these terms have been defined and are now consistent with definitions used in other legislation. These changes will provide some clarity for owners of rural properties particularly if they are involved in legal proceedings.

An issue recognised by those who have experienced a dog attack on livestock is that the attacks are not usually observed. Therefore Mr Speaker it is very difficult to identify the attacking dog, or dogs, and a council is unable to instigate measures to prevent further dog attacks.

To address this issue a new provision in the Bill enables council authorised officers, who have been appropriately trained, to take a DNA sample from a dog who is suspected of being involved in an attack. Of course attacks by dogs are not just limited to livestock and therefore DNA sampling of dogs would also be available if a person was attacked. A council will also be able to recover the costs of DNA sampling if a dog is proven to have attacked.

Mr Speaker this is an important addition to improve the safety of people and animals in our community and will assist councils to resolve investigations in a timely manner using scientific evidence, where deemed appropriate.

The Act has been amended to clarify that kennel licenses are required for doggy day care businesses that can be run from residential premises and that care for more than two dogs.

This is an important amendment as it enables neighbours to support or object to the operation of these businesses close to their home, as the practical effect on them is no different to a neighbour who owns more than two dogs who does require a kennel license.

The Bill ensures the Act is consistent with the *Magistrates Court (Administrative Appeals Division) Act 2001*. The Act permits the owner of a dangerous dog served with a 'destruction of dangerous dog notice' to appeal the decision to a Magistrates Court within 14 days from the service of the notice. The Bill amends the period from 14 days to 28 days so that it is the same as the *Magistrates Court (Administrative Appeals Division) Act 2001*.

Mr Speaker this Bill will assist local government by providing clarity around the capacity of councils to act in the best interests of their communities. It provides consistency and tools to assist councils in carrying out dog control measures within municipalities. It also promotes the safety and wellbeing of the community.

I commend the Bill to the House.