

DRAFT SECOND READING SPEECH

HON MARK SHELTON MP

Dog Control Amendment Bill 2019

check Hansard for delivery

Madam Speaker, I move that the Bill now be read a second time.

The Tasmanian Government is taking action to protect our sensitive wildlife from the threat of dog attacks.

This Bill specifically targets irresponsible dog owners. The new offence provisions and stronger penalties contained in the Bill send a clear message: if your dog injures or kills sensitive wildlife like Little Penguins, then there will be serious consequences.

Madam Speaker, the Government has listened, both to the experts and to the broader community, in responding to the recent spate of dog attacks in Little Penguin rookeries.

This Bill forms one part of the Government's broader response to the work of the expert Penguin Advisory Group, which recommended a review of penalties under legislation associated with dog attacks on wildlife.

We have also been directing significant resources towards research, education and mitigation to help enhance protections for Little Penguins.

Key initiatives include:

- Working with Cradle Coast National Resource Management (NRM), in collaboration with key stakeholders, on a specific project to coordinate monitoring and management of penguins across the State;
- Working with community and NRM groups to enhance penguin habitat through weed removal and the establishment of artificial nesting boxes on both reserved and private land;

- Mitigation of roadkill through the installation of culverts and roadside exclusion fencing;
- Installation of Little Penguin viewing platforms to manage visitor impacts; and
- Deployment of Discovery Rangers over the summer months at popular little penguin colonies on reserve land to provide education services and protect birds.

Madam Speaker, this Bill creates a new offence in the Act where a dog injures or kills wildlife that is declared as 'sensitive' wildlife in locations that are specified as 'sensitive areas'. An offence committed under this new provision carries a fine of up to 30 penalty units – currently \$5,040.

Where an attack occurs, other penalties may also apply in addition to those under the new offence, depending on the circumstances. For instance, it is also an offence for a dog to be at large, and for an owner to allow a dog to enter a prohibited area containing sensitive habitat for native wildlife.

On top of this, the Bill provides that the court may order that the owner pay for the collection and analysis of DNA sample collection, as well as compensation for any damage caused or costs incurred as a result of the dog attack. The court may also order that the dog be destroyed.

Madam Speaker, the Minister responsible for Part 4 of the *Nature Conservation Act 2002* will specify by Ministerial Order the species and areas to which this new offence applies.

Initially, the Order will capture Little Penguins in declared 'sensitive areas' that are known to be vulnerable to dog attack. The Government will take advice from the Penguin Advisory Group on the specific areas that should be included in the Order.

The Order can also be amended in the future to apply the offence to other species and/or locations.

This approach provides the Government with the flexibility to respond quickly to new or emerging threats to wildlife, without having to amend legislation or regulations.

The Order will be made as soon as possible following enactment so that the new offence and penalties are in place and operational ahead of the summer breeding season.

Madam Speaker, supporting the new offence provision, the Bill also doubles the penalty for having a dog in a prohibited area that contains sensitive habitat for native wildlife – with a fine of up to \$3,360.

The provision has been broadened to ensure that it covers instances where a dog is at large and is found in a prohibited area, as well as where a dog is deliberately taken into these areas by its owner.

The penalty for a dog attack that causes serious injury to a person is also being increased, in response to stakeholder feedback that this should be set at least at the equivalent level to an attack on a sensitive species.

The Bill makes some minor but important changes to streamline the process for the collection of samples from dogs. The changes will support investigation and enforcement in the event of an attack by reducing the risk of DNA degradation.

A police officer or a ranger will now be able to collect a sample from a dog, without seeking the prior approval of the relevant council's general manager. This will allow authorised officers to act quickly to gather evidence to identify the dog involved in an attack. State Government veterinary surgeons will also be able to collect a sample from a dog, without council approval.

Madam Speaker, the Bill also makes some minor amendments in relation to greyhounds, which support the Government's efforts to increase the number of ex-racing greyhounds that are rehomed as pets.

Currently, councils cannot legally set aside public spaces for the off-leash exercise of greyhounds because of how 'effective control' is defined in the Act. Greyhound advocates and some local councils have approached the Government asking that we fix this situation.

The Bill responds to these calls, and will give councils the option to allow for, and set conditions around, the exercise of greyhounds in declared exercise areas, in the same manner as all other dog breeds.

For example, a council might decide to provide a dedicated fenced exercise area for greyhounds only, or alternatively, set specific times for greyhounds at an existing exercise area.

As is the case now, councils will have the discretion to set their own policies and conditions for the off-leash exercise of greyhounds. There will be no express requirement for councils to establish designated greyhound off-leash exercise areas, or to allow existing dog exercise areas to be used by greyhounds at certain times.

As the declaration of an exercise area by a council is subject to public consultation under the Act, dog owners and the broader community will have the chance to provide input around what might be appropriate areas and conditions for greyhound exercise.

Another minor change to the Act will clarify that greyhounds are under effective control when off-lead on any private premises, so long as they are securely confined to those premises.

These amendments build on changes made in 2017 that allow greyhounds that have been assessed through an approved suitability program to be muzzle-free while on a lead in a public place.

Madam Speaker, this Government takes attacks on our sensitive wildlife extremely seriously. The Tasmanian community rightly expects us to act to protect our Little Penguins, and that is what we are doing.

The new offence and penalty provisions contained in this Bill are targeted, proportional, and will better align with penalties under other wildlife protection legislation.

They will increase the overall effectiveness of the framework that seeks to protect Tasmania's wildlife, without imposing any additional burden on law abiding dog owners or those authorities responsible for enforcing Tasmania's laws relating to dog management and the protection of wildlife.

Madam Speaker, I commend the Bill to the House.