

Jim Cox  
Minister for Local Government

DOG CONTROL AMENDMENT BILL 2009  
SECOND READING SPEECH

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

This Bill responds to widespread concerns in our community about dog attacks.

With an estimated population of 100,000 dogs in Tasmania, dog control is an issue not just for dog owners but the whole community.

The Government is especially responding to the very real threat that dog attacks present to children.

The vast majority of hospitalised dog attack victims are under 15 years of age.

And younger children are more likely to suffer serious facial injuries from dog attacks.

The ultimate responsibility for proper control of dogs rests with

their owners or people who are in charge of a dog.

That responsibility entails more than just effectively controlling a dog, but includes a responsibility to ensure that people interacting with a dog, and especially young children, understand the basic principles of how to behave near dogs and how to understand dog behaviour.

This is particularly important because many dog attacks are not caused by unknown dogs but by the family pet or familiar dogs. Attacks often happen in the family home, or in the homes of friends or other family.

However, it is clear that there are many instances where dog owners do not exercise sufficient control of their dogs.

The effects of such irresponsible dog ownership are compounded when the dog is of a breed that is predisposed to aggressive behaviour and has physical traits that make the effects of an attack more severe.

These attacks can result in horrific injuries which leave the victims with not only physical, but also emotional scars. In extreme cases dog attacks can result in the death of the victim.

The Government is therefore committed to increasing dog

controls so that owners can be held accountable for the proper control of their dogs.

To address the issue of dog breeds with traits that impose a higher risk of attack, and wreak more damage from an attack, this Bill establishes a new definition of a restricted breed dog.

Dogs of a breed that represent an unacceptable threat to public safety have been banned from importation into Australia since 1991.

This legislation establishes controls over the population of these breeds that has developed from dogs imported prior to the Commonwealth bans.

A restricted breed is one of the breeds already banned from entry into Australia but does not include cross-breeds.

Perhaps the best known of these breeds is the pit bull terrier, also known as the American pit bull terrier.

Under these amendments, council officers will be able to declare a dog as a restricted breed dog and the onus of proof will be on the owner to prove otherwise. However, an appeal provision is also provided.

Dogs will be assessed on the basis of approved guidelines

which will include key characteristics of dog breeds such as height, weight, coat, colouration, tail carriage, and facial and body features.

The Government has introduced these measures to ensure its approach to dog control is consistent with other states. All mainland states have restricted breed legislation.

It would be irresponsible of the Government to allow Tasmania to become a breeding haven for dogs which are subject to greater controls in other states.

Therefore, the Bill introduces restrictions on selling, giving away or otherwise disposing of restricted breed dogs. Those controls will also require prior approval of interstate transfers of restricted breed dogs.

Owners of restricted breed dogs will be able to keep their dogs, but will have to meet higher standards for controlling such dogs, including their micro-chipping and de-sexing.

When a restricted breed dog is off the owners' premises, it will have to be muzzled, wear an identifying collar and be under the same measure of effective control as required for a dangerous dog.

This Bill introduces restrictions on the number of restricted breed dogs that may be owned by a person or that are housed on a

premises.

Premises where a restricted breed dog is housed will also have to be identified with approved warning signs at each entrance.



Most importantly, to further improve public safety, the Bill provides for the existing controls on dangerous dogs to be strengthened.

Dogs are only declared as dangerous as a result of their actions.

This means that they will already have demonstrated by their actions, or because of inadequate control by their owner, that they are a threat to public safety.

This legislation will enforce tougher controls on the owner of any dog declared dangerous by a local council.

When these amendments are in place, the declaration of a dangerous dog in one municipal area, and its compulsory micro-chipping, will make the dog automatically known to domestic animal handlers statewide.

Dogs declared as dangerous dogs in other states will also be automatically recognised as dangerous dogs in Tasmania.

All dangerous dogs, including existing dangerous dogs, will have to be de-sexed.

They will also have to be kept in an approved, childproof

enclosure.

This will reduce the risk of the dog further endangering the community.

A public awareness program prior to commencement of the legislation will give owners prior warning of the new housing controls.

Owners will therefore have ample time in which to meet the new housing requirements. General managers of councils will also have discretionary power to extend deadlines where they consider that adequate progress is being made.

However, if the enclosure is not constructed to an acceptable standard and within the specified period, the dog may be euthanised.

As with restricted breed dogs, and to further control the number of dogs with unacceptable traits, the Bill introduces restrictions on selling, giving away or otherwise disposing of dangerous dogs.

These controls on dangerous and restricted breed dogs will be backed up with improved identification requirements for all dogs.

The Bill provides for compulsory micro-chipping of dogs, with limited exemptions.

Micro-chipping has positive benefits for all dog owners. It vastly

improves the chances of a missing or lost dog being reunited with its owner.

Micro-chipping also allows dangerous dogs to be positively identified by those who have to deal with them, including domestic animal handlers and veterinary surgeons.

Animal welfare organisations already micro-chip dogs before making them available for adoption. It is RSPCA policy that dogs offered for adoption by that agency must be de-sexed and permanently identified by micro-chip.

Again, a public awareness program prior to commencement of the legislation will provide dog owners with advance notice of compulsory micro-chipping.

The Government will also be exploring options with key stakeholders, for example micro-chipping clinics, to ensure that the costs of micro-chipping are kept as low as possible.

However, the micro-chipping of dangerous and restricted breed dogs will be a priority.

The Bill will also establish powers to allow noise abatement notices to be issued to the owners of excessively noisy dogs.

The Bill also strengthens provisions for seizing, detaining and

reclaiming dogs whether they be a dangerous or restricted breed dog or just an ordinary dog.

The measures provided for in this Bill are aimed at improving public safety through better control and more responsible ownership of dogs.

These proposals have been developed following broad consultation and research to find the best approach for Tasmania.

The Government established a working group representing the Local Government Association of Tasmania, the RSPCA, the Australian Veterinary Association, the Animal Management Officers Association of Tasmania, the Royal Guide Dogs and others to advise it on dog control issues.

Recommendations from this working group formed the basis for an issues paper that generated 118 responses from individuals, councils and groups through a public consultation process.

The key stakeholders have assisted the Government in developing the additional controls in this Bill.

The Government acknowledges that there are differences of opinion about the effectiveness of restricting some breeds, such as pit bull terriers.

While not all people might agree with the Government's decision to introduce restricted breed legislation, the Government is committed to providing animal management officers with powers to deal with problem dogs, and to require owners to exercise appropriate levels of control over their dogs.

The Government considers that decisive action is required to ensure that breeds such as the pit bull terrier pose as little risk as possible to the community.

The introduction of these controls is also necessary to prevent Tasmania from becoming a breeding haven for restricted breeds.

The Government firmly believes that this Bill will give animal management officers the necessary powers to deal with dog control problems, thereby improving public safety in Tasmania.

**I commend the Bill to the House.**