



NSW Legislative Assembly Hansard

Companion Animals Amendment Bill

Extract from NSW Legislative Assembly Hansard and Papers Tuesday 15 November 2005.

Second Reading

Mr KERRY HICKEY (Cessnock—Minister for Local Government) [9.32 p.m.]: I move:

That this bill be now read a second time.

Companion animals play a very important role in the health and wellbeing of our communities. On 30 June 2005 the New South Wales Companion Animal Register had 963,362 dogs and 233,314 cats on it. That is a lot of dogs and cats in our community that need, and deserve, to be responsibly owned. It is unfortunate and unacceptable that people in the community who are going about their daily lives are attacked by dogs on the street. The vicious attacks we have seen this year—for example on the streets of Balgowlah, Homebush and Sutherland—by pit bull terrier type dogs is unacceptable.

The Government introduced the Companion Animals Act in 1998, which is recognised as providing for some of the toughest dog control laws in Australia. However, we are not satisfied with this and the Government is taking these laws further to deal with the owners of restricted dogs as well as those dogs declared dangerous by councils. Owners must understand the responsibility they have to the community if they want to own a dog that could endanger public safety. The provisions of this bill will get tougher on the ownership of those dogs that we do not need in our communities. The legislation has been developed in consultation with peak companion animal stakeholders, including the Local Government and Shires Associations, Rangers Institute, Royal New South Wales Canine Council, Australian Veterinary Association, animal behaviourists and animal welfare organisations.

The Government maintains the view that any dog can be dangerous, regardless of its breed, which is why this bill further tightens the legislative provisions for declared dangerous dogs, dog attacks and nuisance dogs and cats, and promotes the responsible management of all companion animals. The current laws in New South Wales are tough on offences by restricted and declared dangerous dogs. But with pit bull terriers it is clear that we need to go further. The community has made it clear that pit bull terriers have no place on our streets. The bill introduces a prohibition on the dogs that are already listed as restricted dogs under the Act, which in New South Wales are predominantly pit bull terriers. The aim is to breed these dogs out of existence. We do not need them.

To achieve this it will be an offence to breed, advertise, sell or acquire a restricted dog. Restricted dogs also will have to be desexed, which is consistent with the current requirements for declared dangerous dogs. To manage the existing stock of these restricted dogs, we are seeking a commitment from local government to make ongoing efforts to educate and deal with dog owners to ensure compliance with very strict control requirements. When owners do not comply, councils will be able to seize and destroy the dog. The bill will strengthen the existing control requirements to ensure that the dog is contained in a prescribed enclosure to ensure that it will not escape, and in particular that children are not able to get into the enclosure. When the dog is outside this enclosure it must be on a lead and be muzzled at all times.

To ensure these dogs are under effective control when in a public place, a person will be able to have only two dogs under their control, if one of them is a restricted or dangerous dog. These dogs will also be required to wear distinctive reflective collars that will enable the public and enforcement officers to easily identify them. We are giving councils stronger powers to effectively manage companion animals in the community and have already increased fixed penalty notice amounts for offences by restricted and dangerous dogs. This bill significantly increases the maximum penalties that can be imposed by a court for all offences under the Act. For example, the maximum penalty for a dog attack by a restricted or dangerous dog will be increased to \$55,000, or imprisonment for two years, or both. For all other dogs, we recently created by regulation a new fixed penalty amount of \$550 for minor dog attacks. This gives rangers and animal management officers more options to deal quickly and decisively with irresponsible dog owners. Fixed and maximum penalty amounts for all dog offences will also be increased.

The courts play an important role in supporting councils when they take action against offenders for breaches of the Act. Councils have expressed concerns to the Government about perceived light penalties that have been issued by some Local Courts, despite the seriousness of the offences. The community has made it clear that dog-related offences are very serious, as they often lead to significant injuries. It is essential that the courts reflect this view when they determine penalties for offences under the Act, especially offences by restricted and dangerous dogs. This bill provides a council with the power to declare a dog as a restricted dog if, in the opinion of the council, the dog is a restricted dog, or the offspring of a restricted dog. This gives councils the power to

make owners of these dogs comply with the Act.

When a council proposes to declare a dog a restricted dog, the owner will be able to seek the opinion of an approved breed assessor to confirm the breed of the dog. If it is not confirmed to be another breed of dog, the council will make the declaration. If the dog is confirmed as a crossbreed restricted dog, the owner will then have to seek a temperament test by an approved temperament assessor. If the dog is assessed as not being a likely danger to the public, the dog will not be declared a restricted dog. Breed identification will be the challenge with this legislation. We are trying to avoid a high rate of disputation regarding decisions on breed classification and temperament assessment by legislating for a council declaration system that includes an option for an assessment of the dog by expert breed and temperament assessors. The Director General of the Department of Local Government will approve breed and temperament assessors.

The Government has the commitment of the Royal New South Wales Canine Council, as experts in dog breeding and identification, to conduct breed identification assessments of dogs that are thought to be restricted by councils. The director general will approve the Canine Council as an approved breed assessor. I would like to acknowledge the role of the Canine Council during consultation and in particular the President, Mr Keith Irwin, who has been supportive of the measures in the bill. The Canine Council's aim is to have an approved breed assessor in most, if not all, local government areas in New South Wales.

The Canine Council's involvement as a breed assessor will benefit its many members and the people who buy their dogs from registered breeders. A Canine Council registration or identification certificate, which includes the dog's unique microchip number, will be sufficient proof that a council cannot proceed to declare that dog as a restricted dog; this will be prescribed in the regulation. A temperament assessment system will also be developed to enable appropriately approved temperament assessors to make an informed judgment about the behaviour of a dog and whether it is likely to be a risk to public safety. We have learnt from this type of legislation already implemented in other States and around the world. The bill uses this experience to establish what we intend will be successful laws for the control of restricted breeds.

Queensland and South Australia have already implemented restricted dog prohibitions. Victoria commenced new laws on 2 November this year and the other States and Territories are considering similar laws. The Government will continue to ensure that New South Wales has very strong dog control laws and has led discussions with Ministers from all States aimed at identifying ways of managing restricted and dangerous dogs consistently nationwide. A community education and council officer training program will be developed and funded from the Companion Animals Fund to assist local councils to implement the new laws. The Government has listened, and will continue to listen, to the companion animals industry when implementing this new legislation. The Act has also been subjected to a detailed review, following five years of its operation, that has shown that the implementation of the Act has been very thorough and ultimately successful.

The community has embraced the requirements of the Act, in particular the compulsory microchipping and registration of all dogs and cats. As I have said, nearly 1.2 million cats and dogs are listed on the Companion Animals Register. The Act review report that was tabled in Parliament in June 2004 recommended a number of changes to build upon the principles underlying the Act. Following the tabling of this report further public and stakeholder consultation was conducted. Therefore, the bill includes changes that are designed to clarify the objects of the Act and streamline its operation to further improve the management of companion animals in the community.

The period available for authorised officers to seize a dog following an attack will be extended. This is in recognition of the many councils in New South Wales that cover large areas and that there are occasions when a council is not in a position to seize the dog within the currently required four-hour period. The bill clarifies the procedures for dealing with animals found in public places. These animals can be delivered to an approved animal welfare organisation, approved premises such as a veterinary practice, or a council pound. Approved animal welfare organisations and veterinarians will be provided with upgraded access to the Companion Animals Register to enable them to search for the owner's details where they have a microchip number of a lost animal to enable the animal to be quickly reunited with its owner.

A key objective of the Act is to reduce euthanasia rates by requiring councils to seek alternative measures to euthanasing animals that are in their pounds. An exception to this will be restricted and dangerous dogs that are seized by councils in cases when their owners are unable to comply with the control requirements. The Department of Local Government provides councils annually with a spreadsheet for the purposes of collecting relevant data. However, return rates are less than 50 per cent and give only a partial picture. The bill will make it a requirement for councils to report this data as there is a great deal of interest in the community for this information, and will promote accountability and strategic planning of councils' activities with regard to companion animal management. This information is also essential for the measurement of the success of the bill.

The bill will include general duties requiring councils to promote the awareness of the requirements of the Act with respect to companion animal ownership and to ensure they have systems in place to effectively manage

restricted and dangerous dogs. The bill will require that any money provided to councils from the Companion Animal Fund be used for the purposes of managing companion animals in their area. This could include upgrades to pound facilities, education campaigns and inspections of properties for compliance with restricted and dangerous dog control requirements. In summary, the bill responds to the desire of our community to have safer streets, and for people not to be subjected to intimidation and danger from dogs with irresponsible owners. The bill provides strong powers to local councils and the courts to enforce strict control requirements to minimise the risk restricted and dangerous dogs pose to safety on our streets. I commend the bill to the House.