



Speech by

JULIE ATTWOOD

MEMBER FOR MOUNT OMMANEY

Hansard 11 December 2001

LOCAL GOVERNMENT AND OTHER LEGISLATION AMENDMENT BILL [No. 2]

Mrs ATTWOOD (Mount Ommaney—ALP) (6.13 p.m.): The primary purpose of this bill is to provide for the regulation of those breeds of dogs prohibited from importation by the Commonwealth. It is intended that this bill will contribute to the management of dog attacks by complementing existing local government local laws on dangerous dogs. Injuries by dogs can be absolutely devastating, particularly to young children. Along with the physical effects, dog attack victims also suffer psychological effects and can have a terrible fear of dogs and other animals, sometimes for the rest of their lives.

The bill targets those breeds of dogs which have been bred for their aggressive characteristics. The Commonwealth and other states of Australia—South Australia, New South Wales and Victoria—have recognised the increased risk to public health and safety these breeds of dogs exhibit and have developed or enacted similar legislation. Dogs do not need to be vicious to be good watchdogs for protecting property. The mere facts of a dangerous dog sign on a fence and a dog barking instil enough fear for an intruder to not enter a residence.

In developing the bill consideration has been given to the difficult issue of breed identification as there is no scientific means of proving that a dog is of a restricted breed or a crossbreed. Identification is based on the physical characteristics of the dog. I am aware that the department reviewed the UK Dangerous Dogs Act 1991 and the associated media coverage. The major concern regarding the UK legislation appears to be the fact that many dogs were seized by police and held in police custody awaiting identification. The Crown Prosecution Service was heavily reliant on a small number of experts to undertake the identification task. As a result, delays were experienced and dogs were retained in custody for extended periods. This seems to me totally unnecessary for dogs that are not aggressive, and this would be a source of frustration for owners.

It appears that the procedures in the UK legislation differ markedly from those in the bill. The bill sets down the specific circumstances in which a council officer can seize a restricted dog and also specifies the time frames for holding a dog. A dog may be seized only in the following circumstances: where the restricted dog has attacked or caused fear or threatened to attack or cause fear to a person or an animal; where a permit application for the restricted dog has been refused; where no restricted dog permit has been issued for the dog and there is a risk that the dog may be concealed or moved to avoid a requirement under chapter 17A; or where a compliance notice has not been complied with.

I think these laws need to be specific, otherwise some neighbourhood disputes could be caused. There might be seen to be unfair treatment and a trauma experienced by families whose dogs have been taken away. The bill prescribes processes for notifying an owner of the seizure of a dog and also prescribes the time period after which a dog must be returned to his owner. Children get very distressed if their dog is taken from them, and families really need to be kept informed about the situation regarding their dog.

I would like to talk about the consultation that took place in relation to this legislation, the importance of consultation and the ability for a member to represent their constituency, to look at the pros and cons and to balance various points in the legislation. Consultation has been undertaken on all provisions of the bill with relevant state agencies, local government representative bodies, relevant local governments, relevant professional associations, community groups and members of the public. I am

sure that other members of parliament have received a large number of emails in relation to this bill over the past few months.

The Department of Local Government and Planning released draft legislative proposals for the state regulatory framework for restricted dogs in mid-September and called for submissions in response to the proposals. The closing date for the receipt of submissions was 2 November 2001. A total of 253 submissions were received by the closing date. Of these, 34 were supportive of the proposals, while 218 were opposed to the proposals and one could not be classified either way. However, of the 218 opposing submissions, 179 were one of two versions of a form letter. All of these were received by a departmental email address set up to facilitate the public consultation process. If the form letters are removed from the analysis, the number of submissions in support remains 34 and the number of submissions opposed becomes 41.

The key stakeholder groups consulted include: the Brisbane City Council; the Local Government Association of Queensland; the South-East Queensland Regional Organisation of Councils; the Royal Society for the Prevention of Cruelty to Animals; the Australian Veterinary Association, Queensland division; and the Canine Control Council. As members can see, a wide selection of groups has been consulted on this bill.

The position of key stakeholder groups on the state regulatory framework for restricted dogs is as follows. Firstly, I will deal with the Royal Society for the Prevention of Cruelty to Animals, the RSPCA. While the RSPCA supports the Commonwealth ban on the importation of the dogo Argentino, fila Brasileiro, Japanese tosa and American pit bull terrier or pit bull terrier, the RSPCA supports the proposed state regulatory framework for restricted dogs which parallels the Commonwealth legislation. The RSPCA's general policy on animal management does not support breed-specific regulation. But due to recent events, the RSPCA does support the regulation of dogs prohibited from importation by the Commonwealth. However, the RSPCA does not support the extension of the regulatory framework to other breeds of dogs. A revised policy which supports the Commonwealth importation ban of the four breeds of fighting dog is currently being considered by the national body, RSPCA Australia. The chief executive officer of RSPCA Queensland has indicated that he anticipates that the national body will adopt this policy in February 2002. Following adoption of this policy, RSPCA shelters will not rehouse abandoned dogs of those breeds.

The Australian Veterinary Association Queensland Division does not support breed-specific legislation and, as such, does not support this bill. The Canine Control Council fully supports the proposed regulatory framework for restricted dogs. The Local Government Association of Queensland supports the proposed regulatory framework for restricted dogs. The South-East Queensland Regional Organisation of Councils in principle supports the bill. The response from local government has been generally very supportive of the proposed state regulatory framework. I congratulate the minister. I support the bill and commend it to the House.
