



Speech by

Mr N. ROBERTS

MEMBER FOR NUDGE

Hansard 11 December 2001

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

Mr NEIL ROBERTS (Nudgee—ALP) (6.00 p.m.): I am pleased to lend my support to a bill which will introduce some sensible and necessary controls over some dangerous breeds of dogs. The amendments in particular will create a framework of minimum standards for the regulation of breeds of dogs, the importation of which is prohibited by the Commonwealth government. Those particular breeds have been listed by a number of members in this debate, so I will not repeat them. Some of the key elements of the bill include placing controls and conditions upon the keeping of restricted dogs.

Mr Purcell: I wasn't here earlier. Which dogs were they again?

Mr NEIL ROBERTS: The specific breeds were the dogo Argentino, the fila Brasileiro, the Japanese tosa and the pit bull terrier. Some of the other elements of the bill include prohibiting the breeding, sale or exchange and requiring the desexing of restricted dogs, enabling the destruction of restricted dogs in specified circumstances and providing for local government to be responsible for the administration and implementation of the new regime. Like many members in this House, I am a dog owner and, I believe, a responsible dog owner.

Mr Purcell: Who says you are?

Mr NEIL ROBERTS: I am saying that I am. Our family currently has a small dog. I would not categorise him as a dangerous dog. He is certainly a very naughty dog. He is a Maltese-Shih tzu cross which currently delights in dismantling our Christmas tree. When I was a child we were the proud owners of a purebred fox terrier whose name was Ferentosh Lachlan Busby, which did present some difficulties when we were calling him for dinner or admonishing him for bad behaviour, so we just shortened that to Dick, which seemed to do the job.

A number of members have spoken about the bad behaviour of dogs and, in particular, whether it is the dogs' fault or the owners' fault. I actually acknowledge that a lot of the bad behaviour of dogs is directly related to the way in which they are trained—or not trained—by their owners and the way they are disciplined by their owners. Also, we have to acknowledge that there are a number of breeds which have innate qualities or characteristics which are bred into them. They are hunting or fighting dogs, many of which have been bred to kill. This legislation does endeavour to place what I believe are appropriate controls over those dogs. I have never personally been bitten or attacked by a dog.

Mr Purcell: You're very lucky.

Mr NEIL ROBERTS: I am exceptionally lucky. My father has been bitten by a dog. I was in his presence when that happened. He was letterboxing some election material for me when he was attacked unprovoked by a very savage dog which caused substantial injuries. Other people I have known or been quite close to have been attacked and injured, as well.

Mr Purcell: I've only been bitten twice and I shot both of them.

Mr NEIL ROBERTS: I recognise that there are some justifiable circumstances to control or manage certain breeds of dogs, and that is what this legislation endeavours to do. The member for Bulimba has indicated that he has been bitten a couple of times. As I said, I have never been bitten by a dog. I have been kicked in the chest by a horse.

Mr Purcell: Which is like a big dog.

Mr NEIL ROBERTS: It would be similar to being bitten by a big dog, I am sure. Some elements of this bill have been based on approaches adopted in other Australian states. I want to take this opportunity to outline some of the features of other states' legislation to show that the approach that has been adopted here in Queensland is not unique but is, in fact, consistent with approaches in other states. Frameworks have been addressed in New South Wales under the Companion Animals Act 1998 and, in South Australia, under the Dog and Cat Management Act 1995. Victoria recently introduced a similar bill, and Western Australia has announced its intention to prepare legislation to introduce a substantially similar regulatory framework for the regulation of restricted dogs. The South Australian act, the Dog and Cat Management Act, deems the breeds of dogs that are prohibited from importation by the Commonwealth to be prescribed breeds. A number of controls have been placed on the keeping of those breeds, including the requirement to be muzzled when in a public place and compulsory desexing. It is also an offence to sell, give away or advertise for sale such breeds of dogs.

Where a local government makes orders or gives directions regarding the keeping of a prescribed breed dog, both current and future owners and persons responsible for the dog must comply with such requirements irrespective of any change of ownership or residential location. The South Australian act also distinguishes between the owner of the dog; that is, the registered owner or apparent owner and the person who is responsible for the dog, which is the occupier of premises where the dog is kept or who has possession of the dog at the time of an alleged offence. Both the owner and the person responsible for a dog must comply with council orders in regard to a prescribed breed dog. The act prescribes monetary penalties for prescribed breed dogs which are approximately 10 times the penalty imposed for offences committed by owners of non-prescribed breed dogs.

I might take this opportunity to applaud the efforts of the Brisbane City Council in recent years to control or manage the presence of a large number of dogs within the limits of Brisbane city. I think it is fair to say that the incidents that I talked about when both my father and close friends were bitten—and in both instances they were delivering election material for myself, I might add—

Mr Strong: A good cause, though.

Mr NEIL ROBERTS: It was a very worthy cause. A number of years ago it was commonplace to see dogs roaming the streets. I can recall as a youngster growing up in Banyo, which has been my home for 33 years, and being quite fearful of walking down some streets because of the presence of dogs that would jump the fence and literally chase me up the street.

Mr Purcell: You never got bitten? You were very fast.

Mr NEIL ROBERTS: I was a very fast runner.

In a city environment, that is totally unacceptable. I have always considered the fear or the threat of an attack by a dog as just as serious as the fear or the threat of attack by another human being and that we need to have laws and controls in place to remove that threat from a lot of communities. It was a real fear both for myself as a young lad growing up in Banyo and also for a number of elderly people who simply wanted to go for a walk in their local neighbourhood. So I believe that the Brisbane City Council, obviously backed up by legislation of the state, deserves credit for cleaning up the streets of Brisbane. There are obviously still problems from time to time, but there is a substantial body of council by-laws to ensure, hopefully, that the majority of problem dogs are under control. The dangerous dog tag or designation that is given by the Brisbane City Council is quite effective in ensuring that owners keep their dogs controlled on their premises. I think this has gone a long way towards making some of our streets a lot safer.

The Brisbane City Council has also put a lot of effort into providing off-leash dog areas. There are a number in and around my electorate. It is quite pleasing to see local dog owners using those facilities quite regularly. I have never used one myself, but I am regularly talking to local people who make great use of them. They say that some of these off-leash dog areas are in fact good meeting places for single people. Apparently it is the new place to meet prospective partners.

Also in my electorate I am very proud to have what I believe to be the only designated off-leash dog swimming area in Queensland and perhaps in Australia.

Mr Pearce: You could have a beach party for your dog.

Mr NEIL ROBERTS: Yes. It is in fact on the way to Nudgee Beach, at Tucker Park. There is an off-leash dog swimming area where people are welcome to take their dogs and let them have a swim. We opened it recently—it was an initiative of Councillor Kim Flessner—in conjunction with the opening of Doggy World, which is a low-level obstacle course where owners can take their dogs to crawl over ladders, jump through tunnels and so on. We have not only an off-leash swimming area but also Doggy World, which is a great place for people to take their dogs and enjoy the surrounds of Nudgee Beach.

Mr Bell: The second swimming area in Queensland.

Mr NEIL ROBERTS: For dogs? When was the one on the Gold Coast opened?

Mr Bell: About 18 months ago. Yours truly opened one at the Spit.

Mr NEIL ROBERTS: Ours was the first in Brisbane and we are very proud of it.

I will make a few comments about the Companion Animals Act 1998, which is a New South Wales act. It deems breeds of dogs prohibited from importation by the Commonwealth to be restricted dogs. The act requires restricted dogs to be kept at all times in a child-proof enclosure with signage indicating the presence of a restricted dog. When away from its residential property a restricted dog must be under effective control and muzzled, and sale to persons under 18 years of age is prohibited.

The New South Wales act defines 'owner' on three bases; that is, on a personal property basis, the ordinary keeper and the registered owner of the dog. Each owner is guilty of an offence unless they can prove that an exception applies, for example, that another owner has been convicted of the offence and/or they have paid the resulting monetary penalty. Where a restricted dog attacks a person or animal, the owner is liable for a penalty which is four to 10 times the amount of the monetary penalty imposed on the owner of a non-restricted dog. The New South Wales legislation requires owners to notify a council of any change of residential address within or outside of a local government area, change of ownership and when a dog cannot be found or has died. The legislation of both states permits councils to seize and destroy these classes of dog in specified circumstances.

I think members can see that the approach being adopted in Queensland is consistent with and in fact builds upon the approaches adopted in other states. This is sensible and necessary legislation for the control of a number of dangerous breeds of dog. With those few comments I commend the bill to the House.
