

# Draft *Dog Control Amendment Bill 2019*

## Tasmanian Greens Submission

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### Foreword

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Thank you for providing us with the opportunity to comment on the draft Dog Control Amendment Bill 2019.

Before making comment on matters pertaining to the bill, we want to make the point that while increased penalties are a necessary component of a response to the issue of dogs attacking penguins, these will likely not prevent more deaths without being accompanied by stronger policing efforts.

Distressingly, many hundreds of penguins have been killed in recent years, yet no one has been fined because no one has been caught. To make an effective response from this legislative initiative, we require surveillance and protection measures for penguin rookeries.

The government has set up a state-wide Penguin Advisory Group of scientists and other key stakeholders to advise on the measures we need to ensure little penguin colonies survive, against a wide array of threats. Protecting little penguins from being killed by dog attacks is not an insoluble problem. There are many willing community members already working across the north west, north and east to protect colonies from being wiped out. As well as needing more money for Parks and local council staff, concerned community people would also step up to do more if the government provided the base resources needed to support that work.

The Greens suggest the Penguin Advisory Group be funded to properly map rookeries and coordinate the necessary monitoring, surveillance and protection measures for penguins.

Below are our specific comments on the consultation draft of the proposed bill.



## **Clauses 4, 6, 7, 9, 10 and 11**

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The amendments contained in these clauses appear to be clarifying in nature – some of which (clauses 4 and 6 for example) make important clarifications. As such we support these clauses.

## **Clause 5**

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The amendments in clause 5, while not appearing to particularly contribute to further burden on greyhounds and their owners, contribute to a narrative of greyhounds being particularly dangerous. This is not an evidenced position.

We also note certain additional restrictions apply to greyhounds under this section even if an “approved greyhound suitability program” has been completed.

We recommend that, at a minimum, greyhounds that have completed an “approved greyhound suitability program” be subject to no additional restrictions that do not apply to all dogs.

## **Clauses 8 and 12**

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We support the introduction of the offence, clause 19AB, that dogs must not injure or kill sensitive wildlife. However, we recognise that without additional policing efforts – and the resourcing needed for these – it is likely to have limited effect on reducing penguin deaths from dogs.

We support the introduction of sample collection provisions, clause 19AC. However, some of the provisions are not particularly clear. Our interpretation is that the proposed subsection (1) allows for an authorised officer to personally collect a sample if they believe on reasonable grounds the dog in question was involved in an offence, and subsection (2) allows for an authorised officer to request a General Manager to organise the collection of a sample from any dog, regardless of whether there is evidence the dog in question committed the offence.

Clause 19AC subsection (2) appears to be a prudent measure to allow for testing of a range of dogs in circumstances where there may not be evidence of a specific dog being involved in an offence. We would request that the clause notes accompanying a final bill provide clarity around this assessment.

Furthermore, to provide for clarity we suggest that clause 19AC subsection (2) be amended to allow for a request to apply to multiple dogs.

## Further Amendments Needed

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Section 16 of the Act, Control of dogs, says: *(1) The owner or person in charge of a dog must ensure that the dog is not at large. Penalty: Fine not exceeding 5 penalty units.*

In our view the current maximum penalty of 5 penalty units is an insufficient maximum penalty. Therefore:

- We suggest the maximum penalty for section 16(1) be increased.

Incidents of attacks on native wildlife may occur when a dog is able to escape an owner's control. As such, we need to send a message that losing control over your dog, particularly on a frequent basis, is not acceptable. Therefore:

- We suggest an additional penalty be introduced for repeat offences of a dog at large.

Thank you for taking the time to consider our responses to the consultation draft.

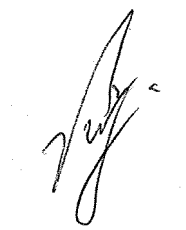
Sincerely,



**Rosalie Woodruff MP**

Tasmanian Local Government spokesperson

On behalf of the Tasmanian Greens



**Senator Peter Whish-Wilson**

Greens Senator for Tasmania