

# TRANSCRIPT

## STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE

### Inquiry into the legislative and regulatory framework relating to restricted breed dogs

Melbourne — 10 November 2015

#### Members

Mr Joshua Morris — Chair

Ms Colleen Hartland

Mr Khalil Eideh — Deputy Chair

Mr Craig Ondarchie

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#### Witnesses

Ms Terri MacDonald, Member, and

Ms Marilyn Adams, Chair, Canine Welfare Committee, Dogs Victoria.

**The CHAIR** — I welcome our witnesses from Dogs Victoria. You might like to introduce yourselves and tell us about your roles at Dogs Victoria. Then you may continue with your opening statements.

**Ms MACDONALD** — My name is Terri MacDonald. I am a member of Dogs Victoria.

**Ms ADAMS** — My name is Marilyn Adams, and I have been a member of Dogs Victoria for 37 years. I am currently the chair of the Dogs Victoria canine welfare committee.

**The CHAIR** — Thank you. Would you like to begin with your opening statements?

**Ms MACDONALD** — Dogs Victoria is the peak representative body of pedigree registered dog owners and breeders in Victoria, with a history dating back to 1877. There are approximately 10 000 members and 280 affiliated breed and kennel clubs registered with Dogs Victoria, which is also a member body of the Australian National Kennel Council.

Dogs Victoria is consistently recognised within the broader community as the primary organisation that acts in the interest of pedigree dogs and their owners and promotes responsible dog ownership. In this capacity, Dogs Victoria represents the viewpoints of its members to the Victorian and local governments and, through the ANKC, to the federal government. We welcome the opportunity to speak to our submission to the inquiry into the legislative and regulatory framework relating to restricted breed dogs.

We note that the objective of this wide-ranging inquiry is to report on the current legislative and administrative arrangements for restricted breed dogs in Victoria, including the benefits and the challenges of the regulatory framework. We also note the series of questions that the committee invited Dogs Victoria to respond to in relation to the terms of reference for the inquiry, and we can expand upon these answers today if the committee so wishes. However, we are also able to address the broader issues regarding BSL that we covered in our submission, including our recommendations.

To summarise, Dogs Victoria's position in relation to the regulation of dogs by breed, as opposed to behaviour or deed, is the same as that of the AVA and the RSPCA. That is, we do not support breed-specific legislation. This is due to a number of factors. Firstly, the bulk of peer-reviewed research has failed to show that any breed is more likely to act aggressively or bite a human than another, nor has it been proven that examining a breed on its own is an effective indicator of aggression in dogs. In fact research has found that historical factors such as the breed purpose have little impact on behavioural traits. Instead, temperament is more associated with the current use of dogs, their environment and management, external forces such as the situation at hand, and in particular — and we cannot emphasise this enough — the attitudes of their owners.

Secondly, current BSL arrangements have seen councils commit considerable finances and resources in seeking the conviction and destruction of dogs. Such decisions are open to challenge as the legislation allows for a dog to be declared by council officers based only on the judging of the animal's external appearance. For the most part, these officers do not have the expertise to make breed identification, which in itself is an inherently flawed process.

This brings us to our third observation. Leaving aside the problem that the BSL does not reduce dog incidents, the nature of the legislation — that is, the visual identification of a breed or a mix of breeds — is in itself flawed. Dogs Victoria can speak from experience in this matter as we undertook training with numerous councils and animal control staff regarding identification of different breeds of dogs through the dog standards. Despite the training and the 20-page breed identification standard that is used for the BSL legislation, visual identification is by no means accurate. We liken it visually to determining a person's ethnic heritage by walking past them in a street. Thus, while seminars and information sessions can give general information, it has been our strong position that such identification is inherently inaccurate and therefore open to challenge.

We note that many countries are moving away from BSL as a form of dealing with dog aggression due to the high costs associated with its implementation and prosecution, combined with a lack of evidence of its effectiveness in reducing dog bites. We cover the research in the UK and in Ireland in our submission which questions the effectiveness of BSL. We also note that in Victoria in the period from the introduction of BSL in 2011 to 2014, seven councils have reported a similar or higher incidence of dog aggression, with only two reporting a reduction when compared to the period prior to 2011.

It is Dogs Victoria's strong view that the way to deal with dog ownership legislatively is through what is known as the Calgary model, which you have all heard about. The framework of this model is outlined in our submission. Essentially, there are five common-sense principles which are promoted with dog owners. These are to license and provide permanent identification of dogs; to desex or neuter non-breeding dogs; to ensure animals receive appropriate training and socialisation and are provided with a proper diet and medical care; to not allow the animal to become a threat or a nuisance to the community; and to procure the animal ethically and from a credible source. Those are all very important and interlinked parts of the program. Compliance for this is achieved through education of the public, especially with children and their parents, and pet owners and responsible pet ownership through practical programs that support compliance, and, finally, through enforcement against those who violate the by-laws.

Our recommendations support those of the AVA and RSPCA, and we also draw upon the Calgary model in our recommendations. These are: that whenever control mechanisms are in place, those who are responsible for its administration must be trained professionals with expert knowledge in terms of canine identification and behaviour; that education of the public targets parents and carers in particular; that any framework must be self-supporting, with revenue raised by council via registrations and fines to be allocated to support for animal services and associated areas.

I do know of one particular council that told me once that their dog registration was a revenue-raising activity to fund other areas of the council. All councils should hold seminars for dog ownership on the responsible ownership and training of dogs. These could be held throughout the year at no cost — our suggestion would be one per quarter and dog owners must attend at least one of these a year. They could receive a discount on their registration for attendance. The idea is to promote responsible dog ownership out in the community.

What we would like to say is that dog ownership is not a right; it is a responsibility. Unfortunately, too many people do not understand that. Not everybody is in a situation where they should own a dog or should have a dog. More needs to be done to educate people on that rather than targeting particular breeds, which has been shown to be ineffectual and expensive. We are pleased to answer any other questions you might have.

**The CHAIR** — Fabulous. Thank you. Is there anything you would like to add, Ms Adams?

**Ms ADAMS** — Just that all members of Dogs Victoria were absolutely saddened by the death of that child, and it should never ever have happened. Had there been better education for the owners of dogs, that dog would not have been able to get loose and able to go across the road and kill that child. That is quite a number of years now, and still nothing has happened to safeguard the general public, so now is a good time, I think, that all the stakeholders get together and do come up with a program that can help educate. The adults are the ones who buy the dogs. They attract them into the home. It is up to the government, then, with its school program to educate the children. But who educates the adults? They are the ones who purchase the animal.

**The CHAIR** — Are there questions from the committee?

**Mr ONDARCHIE** — Thank you, Terri and Marilyn. It sounds like some of the problems are with the owners.

**Ms ADAMS** — Yes.

**Mr ONDARCHIE** — Maybe we should restrict the breeding of the owners — spay or neuter them, or something!

**Ms ADAMS** — Can I just interrupt there, please?

**Mr ONDARCHIE** — I was only kidding, Marilyn.

**Ms ADAMS** — With Dogs Victoria, before you can breed, you become a member of Dogs Victoria, and you have to be a member for 12 months, and then you sit a 92-question exam on breeding dogs, health issues and all the rest of it. So it is not just, 'Here you are; you are a member; go off and breed'. A lot of thought and time goes into it, and we do take it seriously, and we think everybody else should too.

**Mr ONDARCHIE** — Chair, for the sake of the record, Ms Adams is talking about the breeding of dogs, not themselves — not the owners themselves!

**The CHAIR** — Yes!

**Mr ONDARCHIE** — The question I did want to ask you, though, was around the current restricted breeds in Victoria. I note that you do not permit the registration of these breeds within your organisation. Why is that?

**Ms MACDONALD** — Pit bulls are not a recognised breed in this country. What passes for a pit bull — —  
There are pit bulls in America who are a recognised breed. They are recognised by the American national kennel club and also in the UK, I believe, but in Australia they have not been a recognised breed, I do not think, ever. So we do not have them imported here. We do not have recognised pit bulls in this country, so therefore they are not part of the breeds we have. Having said that, there are many breeds around the world we do not have in this country. There are Lapponian herders, which we do not have, you know — —

**Mr ONDARCHIE** — What about the other four, though? There are some of those breeds in Victoria, but you do not register them in your organisation.

**Ms MACDONALD** — Marilyn?

**Ms ADAMS** — No.

**Mr ONDARCHIE** — Why is that?

**Ms ADAMS** — It is an Australian National Kennel Council ruling that these dogs are just not recognised within our breeding process. They do not think we require those breeds — that they are involved with our breeding. I do not make those regulations; I am not party to — —

**Mr ONDARCHIE** — Sure, but do you have a view on that — on why you would not register them?

**Ms ADAMS** — Look, there are a lot of dogs I would not have here, but I am not able to put my voice forward and say those dogs should not be accepted, because we belong to the FCI too, which is the federation of all European countries, and we accept their pedigrees and their standards, and they accept ours. So it is just a matter for the hierarchy, I suppose — what dogs are accepted and what breeds are accepted into Australia.

**ADDENDUM received from Ms Adams after the Hearing** — I personally do not have any input into what breed are accepted. It is an ANKC (Australian National Kennel Council) decision made its Directors (i.e. The Presidents and Vice Presidents of each of the State and Territory Member Bodies). There are strict rules in all countries regarding the recognition of new breed into any country and Australia is no different.

**Ms MACDONALD** — A number of those breeds were actually federally legislated against, like the dogo Argentino, for example. Federally the legislation says it is not possible to bring those dogs into the country. Our ANKC rules would reflect that, so it would be a legislative thing. For dogs that were brought in prior to that ruling, I think we would have to take that as a question on notice and see which particular breeds there are. There might be individual situations with those breeds; I do not know. There may just not have been enough of them in the country.

**Mr ONDARCHIE** — But as a responsible pet owner yourself — I am assuming — do you have a particular view about these breeds and why they would not be registered with your organisation?

**Ms MACDONALD** — Actually, I do not, myself, because I do not know enough about the individual breeds themselves. This gets back to our point: any dog breed can be dangerous, you know, in the right circumstances. All dogs can bite in the right circumstances, and, yes, while larger dogs can inflict more damage, as the AVA mentioned, even a smaller dog, if it hits the right spot, would be devastating; like a Jack Russell, if it were to bite a baby in a particular area, could cause death. These are things which are relative. I know that the German shepherd was banned, I think, in the 1970s, was it?

**Mr ONDARCHIE** — They called it something else back then.

**Ms ADAMS** — Alsations.

**Ms MACDONALD** — Alsations — that is correct. They were banned. I would disagree with the banning of Alsations or German shepherd dogs. With the other breeds, I would have to talk to people who own them, who

breed them, who know about their character. This brings us back, of course, to the issue about responsible dog ownership. Not everybody is entitled — well, not everybody should have a particular — —

When someone decides to go out and buy a dog, quite often they will buy it because of the look, or it will be, in the worst case situation, an impulse buy — you know, if they are walking past a pet shop. They do not do the breed research. I am an experienced dog person, but there are breeds I would not touch with a barge pole. That is mostly because of my lifestyle, my preferences and also because of my understanding of canine behaviour, but not everybody has that information. One of the worst dogs to get, for example, if you are living in an apartment, is a fox terrier, but quite often people do that. You are much better off getting a greyhound if you live in an apartment, because they will just lie on a couch. People do not do that research, and we end up with people buying breeds or buying dogs that they think are a particular type of breed, for reasons other than the actual temperament and other breed aspects. There needs to be more education of the public; there needs to be more research by the public. As a breeder myself, I will turn down people who I do not think are suitable for my dogs; I have said no many times.

**Ms TIERNEY** — In terms of aggressive dog behaviour, how much in your opinion is it related to breed versus taught behaviour?

**Ms MACDONALD** — I think — and Marilyn will probably have something to say on this too — there are five factors which relate to breed aggression. Genetics is one in terms of the animal, but there are many other factors that come in. You have environment, you have socialisation — or lack thereof — and the attitude of the owner. These things all interplay. I have met many, many large breeds which are perfectly lovely and well-mannered and perfectly fine; I have met many small breeds which I probably would not go near.

**Ms TIERNEY** — Just so that we are clear, you are saying there are five ingredients to this? Are they of equal measure? Is that 25 per cent or 20 per cent, 20 per cent, 20 per cent?

**Ms MACDONALD** — I do not think you can put a particular percentage on these things; it comes down to the individual animal and the situation they are in. You might have a German Shepherd puppy. No animal is born aggressive, but that animal will have in it certain instincts and will react in certain ways. So, for example, it might resource guard, or it might be a little bit more fearful, or it might have issues — it might have a strong instinct or prey drive, which means that if someone goes past on a bicycle, it has an instinct to maybe try to chase the bicycle. In certain breeds you will see different levels of these things, like Australian cattle dogs, for example; they have a stronger drive.

Then you get the environment the dog is brought up in, the socialisation of the animal, the attitude of the owners and how they deal with these things and their ability to manage that dog and that dog's behaviour. It is not a situation where you can just put a percentage on things; it is one of these things that is individual to every animal.

I have a litter of puppies and in that litter I will have several which will be outgoing and I might have a couple which are a bit more retiring. I match the families or whoever is coming to me looking for a puppy with the personalities of those dogs. I do not look at colour, I do not look at sex, I do not look at anything else; I am interested in how the temperament of those puppies will fit with those owners, and that tends to be how we do things.

Now that is very different to someone walking past a pet shop and saying, 'I like that puppy; I'll take that'. You do not know where the animal has come from, you do not know what the environment is, you do not know what the temperament of the parents has been like, anything like that. One of the things we say about the Calgary model is how they get the animal and where they get the animal from is very important.

**Ms TIERNEY** — Thank you. I think that was very helpful for us. What would you recommend in terms of irresponsible pet owners?

**Mr ONDARCHIE** — That goes back to my earlier point. 'Spay and neuter' it says here.

**Ms MACDONALD** — Education is always the key. We believe in education; education should start right from the start. Having said that, there are people who just will not listen, I grant you that. I go back to the point that there have to be repercussions for the owners. Unfortunately it often involves the dogs. The current system

is there are relatively light repercussions for the owners who do not look after their animals properly, who allow them to wander. The blame goes onto the dog rather than the person who created that situation; the dog gets destroyed, they go out and buy another dog. We see it all the time; it drives us nuts. We would be happy to talk further about additional ways of dealing with those situations, but it has to be individual responsibility by the owners.

**Ms TIERNEY** — Would you agree that goes beyond the dog owner too? For example, when the dog owner wants a friend or a relation to mind their dog while they go elsewhere — on holiday or whatever — there need to be some core understandings about what that responsibility means. It is not just keeping an eye on that animal; there are other things that need to be put in place.

**Ms ADAMS** — I think that really needs to be pushed home. Whoever has that dog in their charge is responsible for that dog and that regardless of what happens, whether it lives Queensland but you are looking after it, you are responsible. A lot of the general public do not know that. If you sell a puppy or you speak to people — the general public — there are a lot of things — —

I am not saying the information is not out there; it is just very difficult to find unless you want to sit on the computer all day. That information is not really freely available — the responsibility of dog ownership and your obligation to that animal.

A lot of people treat dogs like status symbols. They think they are babies or children, or you get the macho men with the tatts and everything, and that is an extension to their ego. Some people do not even have to have tatts; they will buy certain breeds that give them the macho image when they are probably the worst person in the world to own a dog that has that look about it. They just think it is wonderful if that dog can — they probably do not have the courage themselves to go and do something courageous, but they expect their dog to. They think it is courageous of that dog to attack another dog. It is terrible.

**Ms MACDONALD** — I think the issue is there needs to be more understanding of the responsibility of dog ownership — that it is not a furry human. There has to be an understanding of canine behaviour. These are animals, and animals will act as animals will within a predicted range of temperament. If they are in an environment where they have been mistreated or neglected or for whatever reason, they will act in another predictable way.

While it is tragic when you hear of situations where dogs have bitten people, particularly children — and in extreme cases where you have a dog wandering at large and attacking and killing a young child — there would have been many, many warning bells before that incident occurred and none of those were adhered to. The responsibility of that attack lies with the owner of that dog.

**The CHAIR** — Any final questions?

**Ms HARTLAND** — If I can go back to page 3 of your submission, and it goes to that issue about currently restricted breeds and you do not register them, I understand why you do not register them because of federal and state legislation, but are these breeds that if there was no restriction you would register?

**Ms MACDONALD** — We would have to take that under advisement from Dogs Victoria — —

**Ms ADAMS** — ANKC.

**Ms MACDONALD** — Sorry, ANKC. I can say, though, that I have been overseas at international dog shows. I was at the World Dog Show last year, I was at the European Dog Show this year, and there were these dogs at both shows. They were lovely examples of their breed, but they were handled well and they had responsible owners. The ANKC would have to take it on notice. If these dogs were to become accepted in terms of what we would recognise, they would have to argue out whether or not we have people here who would actually be responsible with those dogs. That would have to be an internal decision.

**Ms HARTLAND** — With the death of Ayen Chol, you say that there should have been alarm bells ringing before that. Clearly there were not — —

**Ms MACDONALD** — My understanding was that the dogs had been wandering before — —

**Ms HARTLAND** — And so who do you think should have been dealing with that?

**Ms MACDONALD** — Who should have been dealing with that?

**Ms HARTLAND** — Yes.

**Ms MACDONALD** — Again, my primary concern was the owners, and my understanding is that they received a fine, didn't they?

**Ms HARTLAND** — That is my understanding, yes.

**Ms MACDONALD** — So they received a fine. I do not believe they were prevented from going out and buying more dogs, which I think again is the issue, because it is the behaviour of the owners which is at the core of that particular situation. I understand — but we would have to check this — that the dogs had been reported to council prior, but that had not been acted upon. So there are those issues there. The problem with the BSL is that it was such a reaction to a single incident that we have now — —

**Ms HARTLAND** — The single incident of the death of a child.

**Ms MACDONALD** — It is. That is true, but there have been other deaths that have occurred. This one particularly got the attention, and the legislative reaction to that in my view, my personal view, was extreme in the sense that we now have a situation where we have dogs which have been destroyed which have passed temperament tests. They have been fine. We have had councils spend tens of thousands of dollars. We have had owners spend tens of thousands of dollars, and we have not seen a reduction in dog bites. So where does that leave us?

**Ms HARTLAND** — I am not saying the legislation is not flawed, but I think we also always have to remember that it may have been an overreaction, but it was the death of a child that caused that reaction. What I am really concerned about is that what I am hearing from you is that as long as a dog is well treated it will be well behaved and that it will never deviate if it has a good owner.

**The CHAIR** — We might have a quick response, and then we have a final question from Mr Finn. I am very conscious of the time.

**Ms MACDONALD** — I think what you need to understand is we have said, repeatedly, that all dogs have a propensity to bite. A bitch guarding her puppies will bite if she feels that they are under threat. You have all sorts of different reasons as to why a dog might bite, and I am not being disrespectful in any way to the memory of that child and what occurred but the situation is that if you have owners who are responsible and understand their dogs and understand canine behaviour and act responsibly, then the incidence of dog aggression will fall. The Calgary model is based upon that.

**Mr FINN** — Following on beautifully from your final comments, should we have a situation where some people should not be allowed to own dogs? Should we have a situation where, instead of having banned breeds, we have banned owners and actually have a register of banned owners?

**Ms MACDONALD** — I would not disagree with that, personally. I think that there are particular individuals. There is a common misconception in Australian society that you grow up and you have a dog in the backyard. You leave home and you buy a dog, and that is part of your transition into adulthood. It is very much ingrained in our mainstream culture. The issue is that not everybody should be owning a dog. These are animals. Not everyone owns a horse, not everybody owns a cow, not everybody owns other animals.

**Ms ADAMS** — Yes, but you can if you wanted to. If they are a repeat offender or something like that, I think that they should — same as a motor car, you know, if you keep driving a motor car and doing the wrong thing, then you get your licence revoked, same as a pet owner.

**Ms MACDONALD** — Yes. It is as much to do with the welfare of the animal as it is to do with the broader social responsibility.

**Mr FINN** — So you think legislation to that end would be desirable?

**Ms MACDONALD** — I personally would not oppose it.

**The CHAIR** — At that point I will thank you both very much for your testimony here today, and I will just remind you that the transcripts of today's evidence will be provided for you to review, and then that will be published on the committee's website. Thank you once again for your testimony today.

**Witnesses withdrew.**