

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

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Witnesses

Dr Liz Walker, Chief Executive Officer, and

Ms Mhairi Roberts, Animal Welfare Policy Manager, Royal Society for the Prevention of Cruelty to Animals
Victoria.

The CHAIR — I welcome our witnesses from the RSPCA. You might like to introduce yourselves, after which point you may commence with your opening statements.

Dr WALKER — Thank you. My name is Liz Walker, and I am the CEO of RSPCA Victoria.

Ms ROBERTS — And I am Mhairi Roberts, and I am the animal welfare policy manager.

Dr WALKER — We have simply summarised our submission, just to kick off, and we can very quickly go through that. In summary, the RSPCA is opposed to breed-specific legislation. As I am sure you have heard before, we think that any dog is capable of being dangerous, and it should be essentially deemed not breed on which animals are prosecuted for being dangerous. We think that the current regulatory framework has not been effective in reducing dog bites, and in fact has probably diverted resources away from an educational type of preventative focus. We believe there is evidence, globally, to show that preventative strategies based on education are much more effective at reducing dog bites than increasing community safety, and we have noted that Greyhound muzzling is another form of breed-specific legislation, although I know it is a sidebar issue.

We do think there is a likelihood, although we are not in a position to have the evidence, that animals currently considered to be a restricted breed have not been registered accordingly. The standard, as I am sure you have heard, is difficult to interpret because it is subjective, and we think that the current framework is far more punitive than proactive, and so it renders us in a really reactive framework. We believe that using educational requirements in response to misdemeanours is much more productive in terms of helping people to learn to be better with their animals. It is much more productive and a more positive way of addressing this problem. I think you have already had discussions about exactly where the problem is here, and there is no doubt that if a dog bites or is menacing, then the dog is a problem, but dealing with the people side of things and helping them to manage their animals better is definitely preferable.

Moving on — and I heard this discussion as we were waiting — the RSPCA says that there are five key factors that lead to an animal biting. Certainly heredity is one of them; then there is their early experience; socialisation and training; their health — so if they are feeling sick or injured they are far more likely to bite; and the behaviour of the victims. Our recommendations, from a legislative point of view, are: having compulsory registration like the chipping of all dogs is critical; making sure that there are very good frameworks for controlling unrestrained and free-roaming dogs; provisions for the control of menacing dogs; mandatory desexing; having a national registry for dangerous dogs is important; and, you have heard it before, but using the Calgary model is good.

The framework around Calgary, which really relies on collaboration with and education of the community, alongside compliance and enforcement, are the four pillars of Calgary. Investment in education and behaviour modification: talking to the whole community about living with dogs, not just dog owners, is an important aspect. Australia is well known for being a really high pet-owning community, and the benefits of pet ownership have been well documented. That is not to say everyone should have a pet or even wants a pet — they do bring great benefits to the community — but it does mean that, as a whole, we need to help the community understand what it is to live in the space animals frequent.

Another one is using positive reinforcement training as distinct from negative reinforcement. There is some data to show that this leads to long-term better behaviour and early socialisation of animals. Finally, incentivising good behaviour is important. So that is reducing registration fees in response to taking on pet ownership courses and using courses as part of the response to misdemeanours. When there are problems with animals, rather than fining the owner and not doing anything with the dog, we should be helping them to be better. This means, for example, desexing an animal when it is put up in the pound system. For little to nothing it reduces the likelihood that that animal will come back. Another one is mandatory desexing if the behaviour continues or the owner will not comply. That is a summary of our submission.

The CHAIR — Ms Roberts, is there any contribution to the opening statement you would like to make?

Ms ROBERTS — No, I have nothing further.

Mr FINN — I am fascinated, and very interested indeed, to hear you refer to the hereditary component of the reasons for biting, because we heard a little bit earlier from the AVA, which seemed to me to be saying that that did not come into it at all.

Dr WALKER — What component?

Mr FINN — The hereditary component. They were indicating that it was all a matter of how dogs were handled now, and what happened in previous lives and all the rest of it did not matter, as it were. So I am just wondering whether you find yourself in conflict with the AVA on that, and, if so, what evidence would you bring to the table to show that that has an impact?

Dr WALKER — I will kick off the answer to that. Within the AVA's own document they talk about the importance of genetics and heritability. I think that there is debate, and there is certainly no clarity exactly of how you weigh it up. I think it is true to say that you have these five factors that we talk about — and it depends on how you define genetics and where you are going to draw the line — but, for instance, when it comes to being dangerous the animal's likelihood to be stimulated, to get aggressive, how fast it escalates once it is stimulated and its ability to cause damage also factor into its dangerousness. Certainly if you are a big dog and you are easily stimulated and you rapidly escalate and you have got a big mouth and lots of teeth, you can do a lot more damage than if maybe you are a Chihuahua, which would no doubt cause a lot of pain and discomfort but is unlikely to cause massive damage.

In that regard genetics is important, but there are also genetics in terms of temperament, which has already been touched on. But I do not think this is the time and place to be really focusing on that. There is no exact answer to this. There are multiple factors that affect a dog's behaviour. Certainly genetics is part of it, but it is not the end game, and certainly RSPCA are adamant that breed-specific legislation in this regard will not generate the results we are looking for in terms of keeping the community safe.

Mr FINN — So you do not think that breeds that have been bred sometimes over centuries to make particularly aggressive acts, that that does not come out in the latest breed, as it were, the latest generation of the breeds?

Dr WALKER — There are breeds that have been bred for fighting and what have you, but at the end of the day people make the dogs aggressive. I do not think it is the breeds per se at all.

Mr FINN — I just ask that because there are some dogs obviously that are bred to round up cattle or to round up sheep, and that comes out very clearly in every generation. With the fighting dogs, if I could call them that, why would that not come out in every generation?

Dr WALKER — I do not think that dogs are bred by breeders to fight. I think people decide they are going to make them fight. I do not think that there is any evidence to say that that is why. The pit bulls were bred to be companion dogs in the pits in the UK. They were bred to be nice to people. In fact they usually are very nice to people. The evidence shows that with those status dogs, if people want aggressive dogs and they want status dogs, if you ban one, then the people who want status dogs will just go and find another type of breed and make them aggressive. They will use that ill experience, they will use the environment and they will create aggressive dogs. It is exactly what happened in Ontario. Overnight the pit bulls were banned and the Rottweilers turned up.

Mr FINN — Are some breeds easier to make aggressive than others?

Dr WALKER — I do not know if I have a view on that.

Ms ROBERTS — I guess just to touch on environment as well. As we mention in our submission, puppies do have this critical socialisation period. That can have direct effects on temperament later in life. I think you really need to look at environment, too, and how a puppy is treated and brought up and the influences that are on that really critical period in the puppy's life, which I think also has a very important effect on it. It is one of those five factors that we did mention. I do not think you can look at one in isolation. I think they are all interrelated and they correlate to each other, and I think you need to look at them altogether. I do not think you can look at them individually.

Dr WALKER — I do not think there is evidence to say that some breeds are more likely to be more aggressive than others. But if some breeds are made more aggressive than others through their early experience within their environment, then their ability to inflict harm is greater just because of their physicality. That is where the people factor comes in, if people want status breeds.

Mr FINN — So perhaps heredity does not have much impact at all?

Dr WALKER — I do not think it is enormous. It is definitely there, it is definitely part of the mix, but it is not huge.

Mr EIDEH — In your view could the current laws simply be amended to require DNA tests to identify restricted breed dogs rather than relying on the prescribed standard?

Dr WALKER — I am sorry, we are talking about DNA testing?

Mr EIDEH — DNA, yes.

The CHAIR — As opposed to the prescribed standard.

Dr WALKER — I do not think the DNA tests have the sensitivity and the specificity that you would require to stand up in law. I do not think they have the data behind them to support that yet. Certainly within Australia I think it is true to say that there is no DNA test that has been accepted for pit bulls. We have already said there is no Australian population of pit bulls, there is no registered breed here, so you have not had a population of pit bulls from which to draw the DNA to actually qualify what that DNA looks like.

Mr EIDEH — So it cannot be amended?

Dr WALKER — No, I do not see how that can work. I think that the point of it, the relevance of that, in terms of the value that that would give is not helpful. I think you are punishing the wrong end of the lead.

Ms TIERNEY — I think we are all agreed that education is so critical, and that is not just in terms of dog owners. We have also talked about it being necessary at an early age, preschool et cetera, as well. Without wanting to pre-empt anything the committee does, at the end of the day I am sure there will be some recommendations around all of that. But I suppose the political pressure on all of us is not wanting to be knee-jerky but also understanding that education is, again, hit and miss and takes time. We have also heard that dog owners have got an enormous responsibility. I am just wondering whether there is any scope to have a discussion around at the point of purchase or registration there being a benchmark that fulfils some notion of obligation, where the owner needs to demonstrate that he or she is going to be a potential responsible dog owner.

Dr WALKER — I think that that has certainly been discussed. There are different models for that. I think the Calgary model has some educational services that you can access that actually get you some sort of registration discount. It may just be an inverse discount where it costs \$80 or \$60 but only \$35 if you have done whatever it is. I think that there is certainly merit in that. There are some shelters where they have a responsible pet ownership survey that you do, and it is for exactly that reason — so that people know what they are getting themselves into and what their responsibilities are. Then when people have done that they receive a discount on the adoption fees for their dog, which I think is a marvellous idea. They have to get 100 per cent, so they just have to keep going back until they get the right answers. I think that there is certainly merit in helping people —

Mr FINN — You will be pleased to hear that we did first time at Lort Smith.

Dr WALKER — Pardon?

Mr FINN — We got the dog the first time at Lort Smith, so you will be pleased to hear that.

Dr WALKER — Good job!

Ms TIERNEY — Are there other jurisdictions or models other than the Calgary model that you can inform the committee of?

Ms ROBERTS — Not that I am aware of. I think the Calgary model is really the forerunner in terms of responsible pet ownership. Obviously that is why I am sure you have heard it repeated many, many times, because it has been shown to work. That is why we do reference it so regularly. We know of a lot of models that do not work, but in terms of those that do I think they are rather few and far between.

Dr WALKER — But I would say that having been to the United States a few times over the last few years one of the great assets of the Australian system is our microchipping. Everyone should be commended for that. There is a real mindset around that, and I think there is enormous value in microchipping that councils can really leverage by saying, ‘If your animal is out and you have got a microchip, we will take your animal home’. Most animals that get lost get lost because the electrician left the gate open rather than it being a really bad dog. It is usually a one-off. So taking the dog home really highlights the value of those registration fees and makes it a really positive thing.

We talk about the Calgary model. The truth is that there certainly, to me, seems to be an appetite within local government in Victoria, at least in pockets, to become more proactive with these types of activities. There is definitely a framework there that we can access easily in terms of just how we talk about pet registration and responsibility. Then if there are menacing animals, something that we could easily develop is to talk to people about how to train their animals, because most people want to do the right thing and it is just the fringe that make life a bit difficult.

Ms HARTLAND — The Calgary model is one that has been brought to our attention by a number of witnesses. Today we got the statistics from the City of Calgary indicating that dog incidents have increased since the introduction of the model in 2006, and I have the documents so we can pass them on. Clearly the evidence we have been given is that it was a good model and it was good on education. I could see a lot of the benefits, but it would seem that the statistics are saying that the bites and attacks have actually increased rather than decreased. Obviously this legislation is not working. It is not working for dog owners, it is not working for councils and it is not working for children, who are at risk. What would you suggest that we need to be looking at in a new set of legislation?

Ms ROBERTS — I think we outlined in our submission some of the key areas that we think need to be considered. They were obviously registration and microchipping, which are probably the key to making changes. I think that needs to be a real focus, and making sure that there are the resources to follow up on ensuring that dogs are registered, because at the moment it is fairly easy for dogs to go unregistered if councils do not have the resources to follow that up. We see that microchipping is really important. Control of unrestrained and free-roaming animals again comes back to resourcing. It is not so much the punitive approach but really looking at how we do things and resourcing the councils.

Looking again at the legislation for menacing and dangerous dogs, I think it would be really useful to go back and have a look at how we are doing things in that respect, because there is legislation already there for menacing and dangerous dogs. I think it is really important to utilise that and to look at how that is utilised by councils as well, especially for menacing dogs, in a more proactive manner to ensure that before a dog needs to be declared as dangerous we are actually addressing the issues with that individual as well.

I know it has been brought up as well: desexing of non-breeding dogs and even potentially making that mandatory, because a lot of dogs do tend to roam when they are entire. I know that education has been brought up several times. Anecdotally it does work. We do hear stories of where children have actually come into contact with aggressive animals and have actually told their parents what they need to do to diffuse that situation. I think that is really important. In whatever is looked at, that really needs to be a real key driver behind what we do going forwards.

Training, as has already been mentioned, is really important — the types of training methods, how training is integrated into pet ownership and what the requirements are for owners going forward with training. Obviously socialisation and looking at the availability of off-leash areas. Again, education of how best to socialise your animals is really important as well. I think there are a range of factors that need to be looked at going forward, and I think a really integrated model needs to be looked at, not just looking at the punitive approach.

Dr WALKER — I think one of the key things too will be it has to be integrated, as Mhairi said, and I guess that is a challenge within the local government framework and the resources and what have you. But it is about having some early intervention strategies around menacing animals, which are trying to help the owner and the animal, rather than, I suppose, ostracising them and making them feel terrible, so it would be engaging them in some training and what have you and some behaviour modification. That goes too with initiatives at the local government level, where they facilitate socialisation of animals in a really sensible way. There are many councils now that have some really good leash-free facilities. That could be set up and promoted.

Ms HARTLAND — I have one quick one, and you may not be able to answer this; it may be something that our committee needs to investigate. Have you got any ideas about economic modelling for what would be required?

Dr WALKER — I do not think we do. We can take that on notice too.

Ms HARTLAND — Great.

Mr ONDARCHIE — Liz, on page 4, I think it was, of your submission, you talked about a prevention strategy. You talked about how registration, microchipping of dogs is very desirable. We had the AVA in earlier this afternoon, and they were quoting figures that it could be as high as 25 per cent of dogs they see are not microchipped.

Dr WALKER — Are not?

Mr ONDARCHIE — Yes. What do you think about a suggestion of getting the AVA to adopt an industry standard that they microchip every dog they see?

Dr WALKER — I think that would be marvellous. The question is: who pays? The data shows that if you do mandatory microchipping and even desexing, then you will really impact the welfare of animals in the community and increase that responsible pet ownership. I am not sure what it actually shows around dog bite prevention and behaviour, but if you see that that as a starting off point for responsible pet ownership, then it would be terrific. It is just a matter of figuring out how we pay.

I think one of the things, in terms of getting animals registered and using the veterinary professional, which is worthwhile considering, is that not everyone gets around to registering their animal like they should. The responsible people will end up at the vet clinic to get some level of immunisation hopefully. It would be terrific if there were a system where you could get your animals vaccinated, microchipped and registered at the vets. That would hopefully increase the registration, because you can be microchipped without being registered.

Mr ONDARCHIE — Yes, but if we are able to give councils access to that data and every dog was registered, we will soon put one and one together, will we not?

Dr WALKER — Correct. Yes, exactly. There just needs to be a framework that encapsulates that.

The CHAIR — Any final questions?

Ms TIERNEY — I have a couple, but I do not know expect you to answer them here, and we are also running short of time, but can I have them on Hansard and maybe if you could respond? They are in relation to greyhounds, and I think you may have mentioned greyhounds in response to one of your answers earlier. I am after your attitude in relation to the muzzling of greyhounds in Victoria and Australia, and, specifically, should section 27 of the Domestic Animals Act be revoked or amended, and why or why not? The other is: what is your opinion of the greyhound adoption program, and could this be improved, and if so, how? I do not expect any answers now.

Ms ROBERTS — Okay. Sure. No worries.

The CHAIR — If there are no further questions, thank you very much for your testimony today. I remind you that a copy of the transcript will be provided to you for your perusal and returned back to the committee. Thank you once again for your attendance today.

Committee adjourned.