

TRANSCRIPT

STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE

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

Melbourne — 18 November 2015

Members

Mr Joshua Morris — Chair

Ms Colleen Hartland

Mr Khalil Eideh — Deputy Chair

Mr Craig Ondarchie

Mr Nazih Elasmr

Ms Gayle Tierney

Mr Bernie Finn

Staff

Secretary: Dr Christopher Gribbin

Witnesses

Ms Glenys Oogjes, Executive Director, and

Ms Shatha Hamade, Legal Counsel, Animals Australia.

The CHAIR — I declare open the Standing Committee on the Economy and Infrastructure public hearing and extend a welcome to our witnesses and members present in the gallery. The committee is hearing evidence today with regard to the restricted breed dogs inquiry and the evidence is being recorded. All evidence taken today is protected by parliamentary privilege. Therefore you are protected against any action for what you say in here today, but if you go outside and repeat the same things, those comments may not be protected by this same privilege. At this point I will hand over to you both. If you would not mind introducing yourselves and stating what capacity you are appearing before the committee, and then you may go into your introductory comments, after which we will have some questions.

Ms OOGJES — Thank you very much. I am Glenys Oogjes, the executive director of Animals Australia, which is an animal protection organisation, a peak body.

Ms HAMADE — I am Shatha Hamade. I am the in-house legal counsel at Animals Australia.

Ms OOGJES — As an introduction, of course you have had our submission, but I thought that I would just give you an overview of it. You have seen very many, I am sure. As I said, we are a peak animal welfare body and representing some 40 animal protection organisations — groups around Australia. They are quite varied. They deal hands-on with animals, some of them, such as companion animal shelters, while others just lobby on specific species or issues, and others deal with multiple issues, as do we — the peak body, Animals Australia. We raise community awareness of the need to improve our treatment of a vast range of animals in Australia.

We wish to argue today against breed-specific laws, indeed breed-specific discrimination, as we see it, and we do so on animal welfare grounds. Our submission covers two primary aspects: restricted breed regulation and the muzzling of retired racing greyhounds. In regard to the first aspect, we feel that you will have received significant input on this issue already by others, and perhaps they are more well qualified than us in this area, but we have, as we have not focused on the area, a really keen interest in it.

I was personally at the table when the federal resources minister in 1991 proposed the ban on imported pit bulls and the three other species at that time. It became four, as you know, and five in total. It was then a knee-jerk reaction to several dog attacks. It was understandable that people were concerned about it, but even so it was a reaction. That of course then led to the state laws over time. I was at a meeting around the table on the National Consultative Committee on Animal Welfare, and many of the experts on that panel recognised then that the reaction was flawed — not that there was a reaction but rather the way it was done. I was opposed to it then, as indeed Animals Australia and I think all other groups and welfare groups are, and that is after 20 years of reflection on the matter.

In summary, we see the discrimination based on breed, and specifically pit bull terriers of course, as flawed because the dogs that have not shown any aggression will be declared and treated quite harshly. The very identification of the dogs is fraught. The law has shown itself to be ineffective in achieving its purpose to reduce dog bites. It is incredibly expensive in time and legal fees, and we are concerned from a welfare perspective about the detention of those dogs during disputed legal cases. It is also terribly unjust, of course, after the dogs that were impounded or killed and their owners that have been affected.

Our views must not be taken as being unconcerned about the issue of aggressive encounters with dogs, but rather to say that current legislative mechanisms are not working and should be removed. The Australian Veterinary Association goes into considerable detail about better approaches to the way we should do this, but I will not go into them. You have heard them and know them.

The other issue that I wanted to raise with you was to do with greyhound wastage and rehoming pressure, where I feel we do have a more direct experience. We have become closely aware of animal welfare issues involved with the greyhound racing industry over the past year in particular through the investigations we have conducted with colleagues interstate and revealed on the *Four Corners* program 'Making a Killing'. We documented and found that live baiting of the dogs has been routine practice for many trainers. Evidence against upwards of 70 was found. Many of them have already been banned for life from racing and others have been charged with serious cruelty offences, and some of them are likely to be jailed.

Clearly the greyhound racing authority has been thrown into a flurry by this, and there are reviews and various commitments to change, not only in relation to housing and training techniques and of course to live baiting, but

to the other elephant in the room, which is that thousands more greyhounds are born each year in Australia than are used in racing, and that most that do race will then go on to be killed once retired.

What I want to draw your attention to is the relevance we draw from in particular the renewed focus on so-called wastage, or the high numbers being put down. Young healthy dogs that are bred are then killed. They either do not make it to the track at all — never raced — or once they are retired most of them will be put down. We estimate the current figure to be some 90 per cent of all greyhounds bred are either killed as pups or as subadults when they are not fast enough or after retirement, as I said, or even after a breeding career — still quite young of course, because they may only be four or five, or even six perhaps, when they are killed after having a few litters for the breeders. Industry sources suggest that that figure across Australia is some 17 000, and with the figures from industry data we calculate that about 5000 dogs in Victoria — healthy greyhound dogs — are put down each year either before or after racing.

The direct connection that I am drawing here is that Greyhound Racing Victoria in their five-year strategic plan, which was out early this year or late last year, so before the exposé, was already indicating that it would strive to reduce the euthanasia rate of retiring greyhounds to 50 per cent. They thought that they could rehome half of them, if you like, and to also have more young pups go on to racing. At the moment it is about 60 per cent of pups that are born each year. In Victoria that is about 6000 or so, but only about 60 per cent go on to race. What they are saying is that they want to increase that. I understand them wanting to do that, but that means more going into racing and again coming out the other end. Regardless of whether they are killed as pups or underperforming sub-adults or if they are going on to racing in greater numbers, still you have this figure at the end that are not wanted — or not useful, I should say. So we have that problem. That is in Victoria.

In addition Greyhounds Australasia has, since the *Four Corners* exposé, made even larger or more far-reaching promises. On 30 September they said their vision was that no unnecessary euthanasia of greyhounds to be achieved as soon as practically possible. If these laudable reforms were to begin to be realised, then in Victoria, as mentioned, we believe a further 5000 healthy greyhounds currently being put down would potentially be available for rehoming in Victoria each year above the current levels.

We are also really concerned — I will not go into detail here — that any attempt to reduce breeding of greyhounds, which of course would then decrease over time the numbers available for rehoming or to be put down, is unlikely to be successful. They have been tried already. Even in Victoria they had a breeding panel trying to reduce them. Greyhound Australasia, the national body, has introduced breeding guidelines which, in my view, will not make any difference at all. They are suggesting that they will limit breeding to three litters per breeding bitch. You will have to go to a panel if you want more. But in their own document, when putting this forward, they indicate that only around 13 per cent of breeding bitches have more than that number of litters, so it will not make very much difference, if any at all. We will still have a huge number of dogs that, if they are not going to be put down — and the community has clearly said that this is not acceptable — will need to be rehomed.

The connection I want go on to make is that section 27 of the Domestic Animals Act requires leashing and muzzling of greyhounds as a breed with limited exceptions, which you know about of course. This provides the community with the impression that these dogs are aggressive and not trustworthy in some way — that is, the muzzles imply that the dog poses a risk to the community. I know you have taken evidence from people talking about what that means — people crossing the road when they see a greyhound and its owner coming along with the muzzle. But this higher implied risk is simply not borne out by either the scientific studies, which I have looked at, or the experience of people dealing with greyhounds. Mostly greyhounds are described as couch potatoes and really brilliant family pets.

To sum up, given the likely significantly inclining numbers of greyhounds — many thousands of pups and retired dogs needing homes — it is illogical and restrictive for section 27 to remain in place, and we believe it must be removed. First and foremost is because these wonderful animals will need all the help they can get to get homes. We note that even Greyhound Racing Victoria agrees with this proposal to remove the section 27 muzzle requirement and leashing requirement. Like with all other dogs, it will remain the responsibility of the owners, of course, to have the animal under control, just as every other dog in Victoria is required to be. We totally support the testimony and submission from the greyhound rescue groups who will have spoken more eloquently on this than I can or than we can, but we are happy to answer your questions.

The CHAIR — Fabulous. Thank you very much. Is there anything you would like to add, Ms Hamade?

Ms HAMADE — No, thanks.

Ms HARTLAND — Obviously we have taken a lot of evidence, and clearly most of us think there are major flaws in the current legislation. Obviously the legislation came out of the death of Ayen Chol. What do we do to make sure that if we change the legislation, then we continue to protect children and vulnerable people from aggressive or what are currently being called dangerous dogs?

Ms HAMADE — I just wanted to make the comment that I think there is a big piece of work that needs to be done here, and that is on the causation effect — so what is it that is causing attacks by dogs in the community? Jumping straight to a restricted breed model has obviously not worked. It has not produced any results that anyone has been able to talk to or point to. I think at the outset there needs to be a lot of work done in terms of that causation — where are these attacks happening, why are they happening, what are the particulars and circumstances? — and then an adequate model developed to suit that, that would encompass preventative methods.

Ms OOGJES — I think on that too the Australian Veterinary Association, with animal veterinary behaviour specialists, have looked at this and set out a set of recommendations that they have put forward, and we totally support them. It is around education. It is around responsible ownership. We know that. It starts very early. It is also about enforcement and resourcing enforcement agencies, particularly local government, to work on the responsible dog and companion animal aspects that are already in the act. It is quite variable between councils as to how they go about doing that, so that would really be a good start.

Ms HARTLAND — A couple of times evidence that has been given to us by local government has been that because of the cost of some of the previous court cases, they do not want to take the risk of incurring huge costs in fighting this in court. I understand this idea that we need research and we need to know why it happens and all the rest of it, but what do we do in the meantime? That could take two or three years, so what do we do to protect people in that interim or transition period?

Ms OOGJES — I understand the question totally, but the restricted breed sections are not actually assisting that, so I think that can be taken as a given, but your question still remains of course, even if we take that away. Again I can only suggest that the enforcement of identification, of registration and of temperament testing — all the things that have been put forward — we need to put resources into them. Yes, we need better understanding of what is leading to dogs having aggressive attacks, but I think if we did some of the basics first, that would be what we should be doing right now while the research phase continues.

Ms HARTLAND — If government did bring in new legislation to replace what there is currently, what are the three things you would want to see in that legislation?

Ms OOGJES — Are you talking about restricted breeds in regard to — —

Ms HARTLAND — No. If there was totally new legislation to deal with these issues, what are the three things? We have had a lot of evidence around the Calgary model. Is that a good model? What are the three things that you would want to see?

Ms OOGJES — I do not even feel that I could give you a proper answer on that. I honestly think that this is a situation where some of the others have been dealing more directly with it and are better placed to do so.

Ms HAMADE — I think what that framework looks like is a very good question. I think it is the million-dollar question. Again I think that needs to be supported by the research, so the research has got to come before the legislation because the two have to work hand in hand.

Ms HARTLAND — The problem for us as legislators is that we actually have to have something that is concerned about animal welfare but is also concerned about the welfare of children. These attacks will occur, and I think it would be fanciful to think that they will not, so we also need mechanisms to deal with them and hopefully before there is such a serious attack that someone is severely maimed or killed.

Ms OOGJES — I feel that the Domestic Animals Act already has those elements in it. When a dog has been menacing or has attacked there are immediately requirements for them to be housed adequately and identified. I feel that that element is already there as the baseline, and so removing the restricted breed aspect of it does not take that away.

Ms HAMADE — Just following on from that, I think another question that could be asked is: what are the current failings or the biggest costs that are coming out of the existing structure? They are things like the fact that dogs are impounded for years at a time, which obviously does not positively impact their behaviour or their temperament, and the psychological trauma that is being experienced by the families, but it is also the council workers who have to be a part of this process and the hundreds of thousands of dollars of costs through VCAT and the Supreme Court — all of those things.

The money that is being invested into these defence cases by council clearly could be otherwise put to use in terms of community education and responsible pet ownership programs et cetera. There are even things like due process. A lot of the VCAT cases are about merits reviews because people do not know their rights or they are told by certain councils, ‘You’re going to be up for these extraordinary costs, so you may as well just let us kill the dog now’, and all those sorts of things. That is clearly clogging up the system and causing a lot of costs. Those sorts of issues need to be looked at as well.

The CHAIR — I will be frank in saying that I have been really shocked as we have gone through the inquiry to hear about the number of greyhounds each year that are being euthanased. It is something that I certainly had not been aware of previously to this inquiry. I am pleased to see that the industry is moving in the right direction. I am wondering, in terms of the numbers of greyhounds that are going to need to be rehomed, is there — I am trying to find a better word for it — but is there a market within the community to find homes for all the greyhounds? Even if there were a change in the legislation so that greyhounds were treated as any other breed of dog, are the homes available for these greyhounds to be rehoused? I would be happy for either of you to respond.

Ms HAMADE — We are certainly seeing a trend, particularly since *Four Corners*, and this really speaks to the stigma that is attached to greyhounds in the community. From personal experience, and I know Glenys would agree, being in Animals Australia, since it went public so many people have expressed surprise as to the demeanour of greyhounds, because they have just class them as betting dogs —

Ms HARTLAND — An aggressive dog.

Ms HAMADE — and aggressive dogs, because of the muzzling and what they see of them in public. But people are delighted by the temperament, and they are a perfect pet. That speaks volumes. And because of that, it almost seems to be like it is a trend now; a lot of people do actually want to rescue greyhounds. They are kind of the ‘it’ dog at the moment, I think. I see a lot of them in the community — a lot of rescues.

Ms OOGJES — Absolutely. We have one in our office. Yes, because of that too there have been a number of programs that have been showing how wonderful they are — couch potatoes — and how quiet they are. So it is quite a change in perception to an extent, of course, because they are seeing dogs that have already been adopted and therefore are not muzzled; they are seeing the real dog. But I understand your question because, yes, we are concerned. That is why we hope and we will continue in different forums to press for reduction in breeding numbers, because that is going to be absolutely necessary. But the two things will have to go hand in hand. While ever the racing industry continues there will be more greyhounds to be rescued and rehomed, so we hope that we can reduce the breeding and therefore the flow as well as increase the number of people who will take them on.

Mr EIDEH — Are there any circumstances in which breed-specific legislation might be justified?

Ms OOGJES — We are concerned, as everyone of course is, if there are aggressive encounters, but any breed of dog could be handled under the current domestic animal dog requirements of councils that councils can use. So, no, I do not see there is a reason for it because a dog should be judged on its deeds rather than its breed. I know that you will have heard that shorthand way of saying it, but it is quite apt I think.

Ms HAMADE — I think in the absence of any evidence that can show you that a particular breed has tendency to attack and the evidence is there to support that, then it is absolutely not justifiable.

Mr EIDEH — If that restricted breed legislation were removed, how could dangerous dog attacks best be prevented or reduced in your view?

Ms HAMADE — Sorry, restricted breed legislation?

Mr EIDEH — Yes, if restricted breed legislation is removed.

Ms HAMADE — Again, from the evidence we are seeing in the community and through councils and in all the submissions — we have had the benefit of reading a lot of them that have been put online — there is really nothing that points to the fact that there is a trend with specific breeds and restricted breeds to be committing any of these sorts of dog attacks. As Glenys mentioned before, we have the dangerous dog legislation already in the Domestic Animals Act. It has its limitations and its problems, but it would actually be about reinvesting that time and that energy and that money into fixing the current mechanisms that are already in the act and not focusing on the breed.

The CHAIR — With regard to the ‘dangerous dog’ and the ‘menacing dog’ labels that can be applied to dogs and the restrictions that are placed upon them, do you have the view that they are determinations that are under-utilised by councils? Do councils tend to go along the restricted breed line rather than the dangerous or menacing dog to the detriment of a good outcome for all parties in your view?

Ms HAMADE — I think the two are sort of different. If a dog commits an alleged dangerous dog offence, the council would not have the power to classify it as a restricted breed if it cannot be proven to be a restricted breed — cue all the VCAT cases. So I think the two are two different things. I think the issue is that it is a very unscientific and clumsy process that is happening with the restricted breed standard that is being used by councils, because you do have these officers who are trying to do the best they can but it is a very ad hoc thing. You are looking at a picture and looking at the height of the dog and the snout width et cetera and trying to make determinations about them, so it is anyone’s guess. When you have got lives at stake, it is a serious issue.

Ms OOGJES — I think the other aspect is the time and energy and money that can be spent on the restricted breed dog elements, which will not then be spent on the other dogs. If there have been or there are menacing or other indicators from other dogs, there is no energy or time for rangers to be looking at those things.

Ms HARTLAND — I have just one last question. When we talk about ‘deed rather than breed’, because this is an expression that has obviously been used a lot, I still have a concern. It has been described to us a lot too that lots of small dogs can be really aggressive, really yappy — whatever — but it is the bigger more powerful dogs that actually cause the damage, so how do we talk about that in relation to ‘deed rather than breed’ when it may be the first attack and a child is severely injured or killed?

Ms OOGJES — But that would be the same, would it not, if it were a Rottweiler or a German Shepherd, meaning a big dog — the size of the dog? But that is not related to the restricted breeds that we have here. And it is such a continuous line from large dogs to small dogs, and then some smaller dogs are even more powerful than some larger dogs. I do not think you can start to try to weed that out at all.

Ms HAMADE — Absolutely, and also it comes down to the duty of care of the owner and to education. If you know you have a large powerful dog with big teeth and you are taking that dog out to the park where there are kids playing around and kids want to excitedly approach that dog, there are two things there that have to be addressed. First of all, there is a duty of care of the owner and the responsibility of the owner in ensuring that the dog and the child are safe; but the second thing is also the education of children in the community as well. I know a lot of schools are doing these responsible programs with children on how they behave around dogs and animals and the signs to look for in terms of their teeth and the tail activity et cetera. So I think they are important and effective mechanisms in terms of preventing attacks.

Ms HARTLAND — And what do you think about licensing the owners? It has been raised by a number of people and it has quite struck me that obviously there are some owners who buy large powerful dogs as an extension of their personality.

Ms HAMADE — You mean like status dogs? Is that the idea?

Ms HARTLAND — Yes, status dogs. What would your opinion be about testing that someone is capable of being a responsible dog owner?

Ms OOGJES — I think that that would be difficult to do, but I do think that keeping a dog — any animal — is a real responsibility, and whether they are large and therefore potentially of concern because of that, and they may be, we would really like people that take on animals as companions to understand about being a

responsible owner, which is, of course, about training and how they are kept. We really are concerned about a lot of people without these skills and ability or attitude that they should have. It is a much broader issue than that. But in principle, yes, it is an educational issue really, not so much a licensing one. Rather, just like getting a driver's licence, you have to show that you actually understand it.

Ms HARTLAND — I am thinking of all dogs, not just particular breeds.

Ms OOGJES — In principle, yes.

The CHAIR — At that point I thank you both for coming to our inquiry today. Your evidence has most useful to us. I would like to thank you for making your submission as well and also inform you that you will be provided with a transcript of today's evidence, which you can proofread, and eventually that transcript will find its way onto the committee's website. At this point I will close our hearing and once again thank you for your attendance today.

Ms OOGJES — Thank you very much.

Ms HAMADE — Thanks for your time.

Committee adjourned.