

TRANSCRIPT

STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE

Subcommittee

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

Melbourne — 17 November 2015

Members

Mr Joshua Morris — Chair

Ms Colleen Hartland

Ms Gayle Tierney

Staff

Acting Secretary: Dr Chris Gribbin

Witnesses

Ms Kerry Thompson, Chief Executive Officer,

Dr Alan Bolton, General Manager, Veterinary Services, and

Dr David Cunliffe, General Manager, Animal Welfare and Customer Service, Lost Dogs Home.

The CHAIR — I declare open the Standing Committee on the Economy and Infrastructure public hearing today and extend a welcome to our witnesses and everybody in the public gallery. The committee is hearing evidence today in relation to the restricted breed dog inquiry, and the evidence is being recorded. All evidence taken at today's hearing is protected by parliamentary privilege; therefore you are protected against any action for what you say here today, but if you go outside and repeat the same things, those comments will not be protected by the same privilege. I will begin by asking you to introduce yourselves, state your position, and then ask you to go into your presentation, at the conclusion of which we will have some questions for you.

Ms THOMPSON — My name is Kerry Thompson. I am the new CEO of the Lost Dogs Home, and I commenced this role in September this year. With me today are Dr Alan Bolton, the general manager, veterinary services, and Dr David Cunliffe, general manager of animal welfare. David has been in the new role for approximately six weeks. We are representing the Lost Dogs Home, and thank you for the opportunity to appear before the committee today.

Visual presentation.

Ms THOMPSON — The Lost Dogs Home's mission is to work with the community in promoting the welfare of dogs and cats by reducing the number of lost dogs and cats, alleviating the pain and suffering, and enhancing responsible ownership and enjoyment of pets. The home has been operating for over 100 years. It is the largest open shelter in Victoria for dogs and cats. We are committed to providing the best care for animals. This includes reuniting lost pets with their owners, veterinary care, behavioural assessment and modification, adoption of animals to new owners and educating the community on responsible pet ownership.

With reference to the restricted breed legislation, our role relates to our partnership and services to councils, assisting the delivery of the BSL and the Domestic Animals Act. We provide pound and shelter services to councils, including the impoundment of what we call court-order dogs. Both Alan and David will cover the key points of our submission and some additional points, and at the end of the presentation we would like to share some additional data on dogs held at the Lost Dogs Home over the last three years.

Dr BOLTON — The Lost Dogs Home supports the concept of 'deed, not breed', which is outlined in the AVA document produced in 2012. We believe that dogs of any breed can be involved in bite incidents and that bite incidents are complex interactions between dogs and people which involve the socialisation history of the dog, environmental factors and behaviour of the victim of the attack. In my experience as a veterinary surgeon I have only been bitten once, and that was by a golden retriever which was a well-mannered, well-loved family dog but just did not cope with veterinary surgeries very well. So it is very difficult to predict how those dogs are going to behave.

We believe the breed legislation can have the effect of driving pit bull-type dogs underground. We have some very raw data which we pulled out from our management system over the last three years. In 2013 we had 150 dogs impounded; 34 of those were classed as pit bulls and 7 were classed as Staffordshire bull terriers. This year to date we have also had 150 dogs impounded. Only five of those dogs are now classified as pit bulls, and the number classified as staffies has gone up to 41 per cent. It is very raw data, but there may be evidence there to suggest that dogs are being described as something other than pit bulls to comply with legislation.

Also I would like to make the point that not all people who end up owning a restricted breed dog do so knowingly. Some people do not go out to get a pit bull; often they will get a puppy from a friend or family member, and by the time that dog is six or nine months old and it is clearly a pit bull, it is often a family member and they are not going to want to take the risk of having that dog destroyed because of how it looks. Conversely, people who choose these sorts of 'power' dogs tend to have, perhaps, less respect for legislation and the law than the rest of us, and they may for that reason not comply with the legislative requirements regarding identification and registration.

We have a lot of experience trying to determine breed of dogs because, for the 10 years I have worked at the home, we have had a policy where we do not put pit bull-types up for adoption to go back into the community. It is very difficult to interpret breed standards and breed descriptions objectively. I think breed standards were developed by groups that were interested in certain breeds, such as judges for showing, so they could pick out the best possible examples of those breeds. But if you actually look in the dog population at large, there are many cross-breed dogs that will fit those standards quite closely. So that makes it on a physical basis very difficult to differentiate them. There has been talk about DNA testing, but currently in Australia there are no

tests which are suitable for that purpose, and I think the manufacturers of those tests would not be willing to see their tests used for that purpose.

There is a risk that the current framework has led to dogs not being identified and registered as a restricted breed. I think I have touched on this already. Once people realise they have the dog, they are not going to put it at risk. We feel that the welfare of dogs during extended impoundment, which we obviously have great experience of, is severely compromised by that impoundment. The data we have brought shows that we have dogs which have been impounded for some time. One dog was up to, I think, 487 days, which is a year and a half — the equivalent of a decade in person terms — being on remand. Obviously we do not feel that that is appropriate.

We have real issues we have experienced in dealing with experience and attitudes of these dogs' owners. It is very stressful for them to have their family pets impounded when potentially they have done absolutely nothing wrong. Our staff have to be very sensitive in dealing with these owners, and it is just very difficult for owners to accept that their pet might be destroyed having done nothing wrong.

We certainly see the detrimental effect on these animals. Our staff are very highly trained. They put a lot of effort into caring for these animals, and they bond with these animals while they stay with us. But despite that, if you keep dogs in confined areas for long periods, even if they do not have behavioural issues when they come in, the chances are they are going to be much worse when they go home. So they end up very frustrated. We see things like barrier frustration. If you keep a whole lot of reactive dogs together, then they are just going to react more, so it really is not in these dogs' best interests to stay with us for up to a year and a half. It is a very expensive process. It costs councils; we charge roughly \$35 a day to look after these dogs. On top of that there are the legal costs of appeals to VCAT, which I believe can run into hundreds of thousands of dollars.

There is also an effect on our staff. Obviously some of these dogs become difficult to deal with. We certainly have occupational health and safety concerns around that, and there is an emotional burden on staff looking after dogs for a long period that have been destroyed.

Dr CUNLIFFE — Further to what Alan has outlined, the Lost Dogs' Home supports the AVA's submission entitled *Dangerous Dogs — A Sensible Solution*. This framework provides what we feel is a good evidence-based review of dog aggression and bite behaviour. As Alan has discussed, bite behaviour is a complex one and it stems from more than just the breed and genetics of the animal. Early experiences, socialisation, training, the health, age and sex of the dog as well as the behaviour of the victims are all factors.

The AVA position advocates a move from breed-specific legislation to controls that are based on observed behaviours, and we strongly support that. These behaviours include severe bites and attacks at one end, but at the other end they encompass what is described as potentially dangerous animals. We think that is a very useful classification in terms of dealing with trouble before it becomes real trouble. Behaviours like aggression, lunging, looking like it might be able to get over the fence in the front yard, roaming and other behaviours indicate the potential to be a dangerous dog.

Further to that, the AVA's legislative framework provides a good methodical approach to dealing with dogs involved in aggression and bite incidents. In the application of prescribed conditions and penalties, this framework allows for dogs involved in many cases to be retained in the owner's care where that is appropriate, provided that prescribed conditions are applied. The Lost Dogs Home feels that that is important for the welfare of the dogs that are involved in these cases.

What is also important is that being declared as potentially dangerous is not a one-way trip for a dog. If a dog exhibits the potential to be a dangerous dog, provided that the owner complies with prescriptions and training, it is possible to have those situations reversed. I understand from speaking with animal management officers at the moment that if a dog spends time as a guard dog it is classified as a dangerous dog. There is no going back from that, even if you were a dopey German shepherd that liked to stroll around the back of the family and share sandwiches with the workers. There is no real option for that dog to be rehomed easily once its working life is over.

The focus of accountability in the AVA framework does fall back on to the owner. We feel that that will lead to a quicker and less costly resolution of the incident. The owner is much more likely to cooperate with a direction that they have power to act upon rather than being up against the threat of their pet being put to sleep.

The Lost Dogs Home also strongly supports and recognises the value of proper identification of dogs. The rates of registration in many councils is historically quite low — for example, at the Lost Dogs Home in the last year only 41 per cent of dogs released from a certain western city council were registered at the time of impoundment, so that implies that 59 per cent of dogs arriving at the pound that were at large were not registered. Certainly you would assume that an unregistered dog is more likely to get out and run around; perhaps people who register their dogs are implicitly more responsible or more aware of their obligations. It is a statistic that suggests to me that the penetration of dog registration is still quite low.

As well, across all dog admissions to the Lost Dogs Home in the last year, 80 per cent of the dogs had identification of some kind. That is usually a microchip. Sometimes the microchip might be a dead end; sometimes it might lead to the owner. There is a definite gap between 40 per cent council registration and 80 per cent actually identified. So we would advocate that there is a much stronger relationship between the act of microchipping and the act of registering a dog with a council. Registration provides the revenue, the opportunity for education and all the services that are developed to target dogs and dog owners.

Desexing reduces roaming behaviour in dogs, it reduces the number of casually acquired dogs in the community and it is a cornerstone of responsible pet ownership. The Lost Dog's Home supports mandatory desexing of all dogs and cats except for registered breeders. We have experience with a number of councils that require mandatory desexing of all registered animals in their constituency. Animals that are released from the pound must be desexed at the time of release and at the time they are registered. I note that the RSPCA advocates a similar view, but perhaps a two-layered approach where for a first offence you get a reduced desexing fee if you wish; for a second offence the dog must be desexed.

We also feel that community education is the key to reducing the number of dog bites in the long term. Most studies have shown that children are the most at risk from dog bites. Education has traditionally been targeted at children by councils, state government and welfare groups, but the current approach is not a concerted one. If I were to liken a vaccination program to the current dog safety approach, I would say that it is ad hoc and not everybody gets it. In terms of being a protective solution, it is not currently consistently applied.

The panel has heard about the Calgary model of community education, and we have met with one of the authors, I guess, of that system. We believe that one of the keys to its success, aside from proper funding from registration, is an education program in kindergartens and schools that was very systematically applied. Further, the current legislation leaves councils very much in the enforcement role. I guess because they are in contact with dogs and dog owners where the problems are occurring, the opportunity for them to act in a more facilitative or educational role strongly exists but has not been a focus for the councils, perhaps being distracted with matters of punishment and enforcement. The unintended effect of that is that animal management officers are kind of seen as baddies, rather than being a man that you would see on the street, approach and ask, 'How can I look after my barking dog?' or 'How can I help my neighbour?'. We feel that if there is a greater integration of animal management services and animal welfare systems, it would allow for an enhanced role down at the level of the community where it is needed.

The CHAIR — Very good.

Ms THOMPSON — Chair, we have got some extra data. If we could hand that to you, and then Alan might explain it to you. It is raw data from our software package. It is shelter rates, so it is for what we call court-held dogs. They can be for illegal breeding, so there are some there that have been held because they were seized from a puppy farm, but the majority of dogs would be menacing, dangerous or breed.

Dr BOLTON — These are figures taken in 2013, 2014 and 2015. They show the number of dogs in a court-held status by breed in that year, so you have got the number of breeds and the length of time they spent with us. Originally when I pulled out this data, as I referred to initially, I thought I would look at pit bull-type dogs. Back in 2013 we had 34 pit bull-type dogs impounded, which was 23 per cent of those dogs. That was when the legislation was being enforced most strongly, I think. The following year, councils having suffered some losses in VCAT perhaps became a little bit less zealous in prosecuting it, so we went down to 19 pit bulls, which was 10 per cent of admissions. I actually thought, when I was looking at these breeds — and I only looked at the three categories — that pit bull-type dogs may now be described as American bulldogs or American staffies, because they are physically more similar. But actually if you go to our figures so far this year, we have 25 per cent of pit bulls impounded. The American bulldog and Am. Staff. rates are about the same at 13 per cent, but the common or garden staffie has gone up to 41, which is 27 per cent.

These breed descriptions are not put on these dogs by us; either they are declared by their owners if the dog is microchipped or identified in any way or they are described as such by the AMO who impounds the dog and brings it in, which means that it would look as though rather than defining dogs as pit bulls, AMOs are now just defining them as staffies so that they do not have to go through the system. So the legislation is not being enacted as it is.

The CHAIR — Could you clarify what the AMO is?

Dr BOLTON — Animal control officer, animal management officer.

Ms THOMPSON — It is your authorised officer that the council would have.

Dr BOLTON — I guess the other thing it does is it gives you an idea of how long these dogs spend with us, and a significant number of dogs spend over 100 days.

Ms THOMPSON — It also highlights the other breeds that are not legislated for.

Ms HARTLAND — Can I go back to the issue of the staffies? What you are saying is that when they are brought in they are being brought in by council officers but they are actually defining them as staffies rather than pit bull terriers so that they do not have to go through the dangerous dogs?

Dr BOLTON — That would be my feeling, yes. Obviously once an animal is impounded we do not really know why they are impounded in each case — some councils tell us more than others — and we certainly do not have it in the form of reportable data. We could go back and look into the system and give you more evidence around that, but we would have to do a bit of work on that.

Ms HARTLAND — That makes sense in terms of what some councils have said about how difficult it is for them to enforce it.

Dr CUNLIFFE — I know the vet board of Victoria has made a submission to this inquiry, and I guess their key point is that vets should not be involved in the need to notify of a potential restricted breed coming through their clinic. I suppose it is probably interesting that that, I suggest, has been the traditional stance of most vets, hence the board is advocating for that stance. It is inherent in this legislation that it does invite some kind of collusion, I guess, between owners of dogs that may fit the type and professional bodies like councils and vets, so it is not a good situation.

Ms THOMPSON — That is the end of our submission, so we would be more than happy to take questions.

The CHAIR — That is great. I might kick off with a couple of questions, if I could. Mr Bolton, you referred to pit bull-type dogs not being rehomed.

Dr BOLTON — Yes.

The CHAIR — What happens to them?

Dr BOLTON — Up until the moratorium this year, if we felt that a dog was a pit bull type, we would euthanase them.

The CHAIR — Okay. They would just be euthanased.

Dr BOLTON — But it creates a dilemma for us because, again, if we deem a dog is not a pit bull, we put it up for adoption, and on these very sort of subjective criteria it is very possible that the person who adopts that dog moves to a different area where a council officer could look at that dog and say it is a pit bull. Then it is impounded, and it can lead to some fairly unpleasant situations.

The CHAIR — Yes, I can certainly imagine. You also referred to DNA testing and that those who were involved in the DNA testing industry of dogs would not necessarily be all that keen for that technology to be used in identifying breeds. Can you expand on why you think that might be the case?

Dr BOLTON — I have not spoken to them directly for a long time, but when they market these — and I think David can probably agree with this — there are two tests on the market in Victoria, and both of them are

pushed in a very warm and friendly way to owners of crossbreed dogs so that they can go away and find out what their dog's background is when they have no idea. It is almost like it is a fun thing to do. Some of the results that come back are actually really surprising — it is like, as David said, there is a bit of pug in everything. I think they have quite a good market selling their product as that, and I think if they had to provide the sort of validation behind those tests that was going to stand up in a court of law, that would be a very expensive procedure, similar to registering a new drug. They would have to be able to stand behind their product and say that it works in 99 per cent of cases, and there probably just is not the money in there for them to do that — or I do not think there is a commercial will for them to do that.

The CHAIR — Did you want to make any further comments?

Dr CUNLIFFE — No, I do not have much to add, but I think the intention of the tests was not to facilitate the euthanasia of restricted breed dogs. That very much goes against the commercial aims of the company that developed the tests.

The CHAIR — Yes, I certainly understand that.

Dr CUNLIFFE — I guess in that light I think further development of those tests, at least by existing commercial entities, is not something that we could look for or look to.

Ms HARTLAND — Could you expand a little bit on the idea of an expert panel? This has come up from several people, and certainly I think councils may view this well just because it is becoming so difficult for them to deal with.

Ms THOMPSON — You are talking to our reference in our submission?

Ms HARTLAND — Yes.

Ms THOMPSON — The reference laid out in our submission is that we referred to it if the legislation was going to continue, so it was only if there was a wanting to continue or should any legislation continue around restricted breeds. That was the context of that statement. I think Dave or Alan, because we have had a lot of discussions about this — —

Dr BOLTON — We have, and it is something that we found very difficult to get to work in the past. My understanding currently is that only an authorised officer can declare a dog. Councils have found that when cases have gone to tribunals, I believe, despite them having been declared by an authorised officer, the views of people like veterinary surgeons have held more weight. But then the problem you have is that very few veterinary surgeons are going to stand up in front of a tribunal or in a court and say, 'This dog is such and such and therefore it should be destroyed'. I think it causes too much threat to their reputation.

You have got to remember that most veterinary surgeons work in private practice, they have a commercial practice, they have clients they need to look after and they just do not want to get involved in this sort of business because they can get a huge amount of attention online. It can cost them quite highly. I think that veterinary surgeons in general are not really willing to do this, I think perhaps unless government-employed or state-employed veterinary surgeons might be an option. But traditionally, historically, it has been very difficult to get anyone to do this.

The CHAIR — Just to follow on about the panel, how would you see a panel would be best constructed, and the oversight of the panel — who should be on the panel and who should be responsible for the panel? Should it be local government, should it be state government? I would be interested to hear your views.

Ms THOMPSON — Chair, can we just clarify, what would the panel be for? Would this be determining — —

The CHAIR — Sorry, the determination of a restricted breed dog.

Ms THOMPSON — So it is for determining a restricted breed dog. Okay. We will both have a go. Based on the fact that we do not think the legislation is working, we are not sure what the role of that panel would be. I think to have it at council level is going to be, again, very costly, and again, after hearing Alan's comments

about veterinary doctors or people being on it, it would be very hard for every council to have the resources to put that in place.

If you are going to have anything it is probably going to have to be at a high level, and it is probably going to have to be paid, picking up Alan's position about if they were just brought on in a voluntary role when they are trying to also run their own practice. You will also have some conflict if you use some of the breeders who are probably experts and know the breed standards; again, they will have a conflict issue. You would probably have to have it at a state level, I think. I do not know if there are any other comments on that.

Dr CUNLIFFE — No, I would probably agree with that. I guess the expert is an expert in identifying type — physical characteristics, as Alan alluded to. By day a show judge, by night on the expert panel. Again, getting people to take an interest in being on that panel is probably the main challenge.

Dr BOLTON — I have got to say, this may not be particularly relevant, but from applying those breed standards myself, we go through a booklet, we have a form and we take all these measurements, and at the end of the day all you are left with is a whole set of measurements. It does not really tell you very much about the dog you are looking at. It is purely a set of measurements.

Ms TIERNEY — There seems to be a variety of views about what should be performed at a local council level and what should be at a state level. I hear what you are saying about desexing of dogs at the point of acquiring the dog. Do you believe that that should be a statewide responsibility, as opposed to council by council? And the point of registration and data collection, whether there should be an onus on council to feed data into a central bank?

Dr CUNLIFFE — Firstly, mandating for compulsory desexing at state level is one thing. I guess the enforcement does fall to local jurisdictions to do that. If that is to be the case, I think the funding model, all that, needs to be examined. I think currently councils are required to develop their own animal management plan. I see the way forward more towards a partnership between councils and welfare organisations to promote desexing, to make it more available for people who are having difficulty affording it. The Lost Dogs Home has had a lot of success with reduced-price desexing days, Desex in the City.

Dr BOLTON — Yes, we have run a few campaigns, mainly regarding cats, not so much dogs. But it is certainly something that we would be very keen to explore further.

Dr CUNLIFFE — Yes. So I guess legislating for desexing, I would agree that desexing is a good idea, but how that is then implemented is the responsibility of councils.

Ms TIERNEY — And the data collection?

Dr CUNLIFFE — I think data collection is obviously a very important part of the AVA's submission. We have to have good data on what animals are doing what, to who and where, and the link amongst all this information is the microchip identifying the dog, linking it to the owner, linking it to registration and linking it to the database. At the moment microchip registries are quite fragmented. There are a number of privately owned registries in Australia. If I scan a dog that has a microchip, I have to contact a number of different registries to search for who the owner might be. If the dog crosses state lines, that becomes even more complicated. This is something that needs to be addressed in my opinion, yes.

The CHAIR — Further questions?

Ms TIERNEY — No. It was very helpful.

The CHAIR — Absolutely. I thought I might raise just a couple of questions about greyhounds and about the muzzling of greyhounds, and then perhaps something about the greyhound adoption program as well, if there are any comments you might like to make about those two particular areas.

Dr BOLTON — I saw it was part of the RSPCA's submission. I have got to say it is not something that I had brought into this whole question by myself. I would wholeheartedly support that greyhounds do not need to be muzzled in public. I think we have all known quite a lot of greyhounds, and they tend to be fairly gentle dogs. They obviously need to be appropriately controlled, but I do not think muzzling is necessary.

Dr CUNLIFFE — I agree.

The CHAIR — You agree with that as well?

Ms THOMPSON — I agree, yes.

The CHAIR — The greyhound adoption program, any comments relating to that particular program and the way it operates currently?

Dr BOLTON — We do send dogs through there. We also adopt out greyhounds through the home ourselves. I guess the only difference is the ones that go through the program do not have to be muzzled. The ones that we adopt out do have to be muzzled.

Ms HARTLAND — Can you explain why that is?

Dr BOLTON — They have specific training. They have specific training as part of the GAP program. Look, I would have to come back. But they have training which I guess either evaluates their prey drive or is aimed at reducing their prey drive.

Ms THOMPSON — But, Alan, it is fair to say that any dog we are adopting out also goes through a behavioural assessment as well.

Dr BOLTON — Exactly, yes. I mean, it is a very valuable program. Racing greyhounds have a very sad life.

The CHAIR — Any final questions? Any final comments?

Ms THOMPSON — No. Thank you for the opportunity.

Dr BOLTON — Yes, thank you very much.

The CHAIR — Indeed. Thanks for your testimony today. I just remind you, you will be provided with a transcript of your evidence today for your proofreading, which you can return to the committee, and then that transcript will be placed on the committee's website. At that point I will suspend our hearing. Thank you once again for appearing before us today.

Witnesses withdrew.