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Legislative Council
Economy and Infrastructure Committee

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

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Economy and Infrastructure Committee

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Chair's foreword

Reducing the number of dog attacks is important. Dog attacks can lead to both physical and psychological injury, especially in young children. In 2013-14, 836 Victorians were hospitalised because they were bitten or struck by a dog. In addition, more than 1,855 Victorians were treated in emergency departments. In 2011, four-year-old Ayen Chol was tragically killed in a dog attack.

It is therefore essential that the Government adopt the most effective strategies to reduce the risk of dog attacks in the community.

This Inquiry has primarily focused on one aspect of the Government's approach to reducing dog attacks – breed-specific legislation. Under the current legislation, laws target particular breeds or types of dog that are considered to pose a higher risk to the community. These dogs (primarily Pit Bulls) are subject to a range of restrictions that other dogs do not face. This includes the ability for local councils to euthanase dogs of these breeds that are not registered.

This Inquiry has examined whether or not breed-specific legislation has been an effective part of the broader strategy to reduce dog attacks. In so doing, the Committee has considered not only breed-specific legislation but also the broader regulatory framework for dog management in Victoria and elsewhere.

In undertaking this work, the Committee has had to tackle a number of complex and emotional issues. During the course of the Inquiry, there were differing and sometimes conflicting viewpoints presented by various stakeholders. In reporting and considering the evidence and arguments, the Committee has sought to be objective and balanced. However, I consider it important to acknowledge the strength of feeling and deep concerns underpinning many of the views expressed to the Committee.

The Committee's key conclusion is that Victoria's current breed-specific legislation is not working in practice. It has proven impossible to definitively identify Pit Bulls. Councils' efforts to do so have sometimes resulted in large costs and significant distress to owners and dogs with no benefit. Many participants in the Inquiry informed the Committee that alternative approaches were more likely to reduce injuries from dog attacks. A change is clearly required.

This report outlines a suggested way forward, which centres on encouraging owners to be responsible for their pets, both in terms of caring for their animals and ensuring that they do not injure people. I urge the Government to consider the Committee's recommendations and to look at implementing changes as quickly as possible. In drafting new legislation, I would also urge the Government to issue an exposure draft, to ensure that the new laws are practicable and will have 'buy-in' from the broader community.

A large number of people have participated in this Inquiry and I would like to thank them all for their time and effort. Participants have included members of the general public, veterinary groups, animal welfare organisations, local councils and academics. The information provided by the community has been essential in considering the many complex issues involved in this topic.

I would also like to particularly thank a number of people from Calgary, Canada, who provided information about the model of dog management adopted there. These include Mr Bill Bruce, former Director of Animal Services, Mr Ryan Jestin, Director of Animals and By-law Services, and Ms Ronna Balderson, Business Information Analyst.

Closer to home, the Committee was also provided with very helpful data by Monash University's Victorian Injury Surveillance Unit and the Victorian Civil and Administrative Tribunal. I would like to thank both organisations for taking the time to supply the Committee with important information.

As Chair of the Committee, I would like to thank the other members of the Committee for the collegiate approach that they have taken throughout this Inquiry. I would also like to thank all the members of the Secretariat for the high standard of work that they have undertaken supporting the Committee.



Mr Joshua Morris MLC
Chair

Executive summary

The Economy and Infrastructure Committee was asked to investigate the regulatory framework applying to restricted-breed dogs in Victoria. In practice, this means the regulatory framework applying to Pit Bulls, as this is the only one of the five restricted breeds believed to be present in Victoria. To assess this framework, the terms of reference required the Committee to undertake a wide-ranging investigation into dog attacks, their causes and prevention strategies.

Currently all Pit Bulls are subject to a number of restrictions not placed on other dogs. These include extra security arrangements at home, being muzzled and leashed at all times when in public, mandatory de-sexing and a prohibition on breeding. It is not possible to register a Pit Bull in Victoria if it was not registered here before 2011. A dog that is identified by a council officer as a Pit Bull that cannot be registered may be seized and ultimately euthanased, solely on the basis of its breed.

A complex issue

Dogs as companion animals are an important part of the Australian lifestyle. Keeping a dog can provide many health and other benefits – dogs can encourage exercise, teach children responsibility and offer love and companionship. On the other hand, dog attacks and dog bites can result in serious physical and psychological harm, especially to children. In extreme cases, dog attacks may result in the death of the victim. The tragic death of four-year-old Ayen Chol from a dog attack in 2011 has been an important consideration for the Committee throughout this Inquiry.

In making its recommendations, the Committee has therefore had to maintain a balance between supporting the benefits of dog ownership and protecting the community from dangerous dogs and irresponsible dog owners.

Key findings

The system is not working

The key conclusion underlying the Committee's findings is that Victoria's current system of identifying and dealing with restricted-breed dogs is not working. The current system requires local council officers to identify, seize and euthanase unregistered Pit Bulls. However, there are many difficulties with identifying Pit Bulls. Submitters to this Inquiry criticised the official standard which council officers must use to identify Pit Bulls and the lack of training available for council officers in breed identification. A number of councils indicated that this is a task they neither want nor feel they have the appropriate expertise for.

The Committee heard that distinguishing Pit Bulls from other breeds using visual identification is generally considered difficult or impossible. DNA testing is not a viable alternative, as it is currently not able to make definitive identifications of dogs as Pit Bulls. There does not appear to be any clear way to conclusively identify dogs as Pit Bulls.

The clearest indicator of the current system's failure can be seen in the appeals to the Victorian Civil and Administrative Tribunal about declarations that dogs are Pit Bulls. Although the legislation empowers local council officers to identify dogs as Pit Bulls, the Tribunal has overturned 74 per cent of the declarations by council officers that have been appealed since 2011.

The appeals process has also resulted in (sometimes large) litigation costs for councils, trauma for the dog owners and negative impacts on the dogs from long-term confinement. A number of councils indicated to the Committee that they are now reluctant to declare dogs to be Pit Bulls or no longer contest appeals.

Insufficient evidence on the risk posed by Pit Bulls

The Committee also found that there is insufficient and sometimes contradictory evidence on whether Pit Bulls (however identified) pose a greater risk to public safety than other breeds. Whilst some studies suggest that there is a relationship between breed and aggression, different studies have reached different conclusions about which breeds are more dangerous. Some studies have suggested that Pit Bulls do pose a problem, while others have suggested that they do not.

Overall, there is a lack of comprehensive data, and this has made definitive conclusions difficult or impossible. In addition, there is much evidence that other factors, such as a dog's early experiences or living conditions, play a significant role in aggressiveness. Whilst breed may be one risk factor for dog attacks, it is only one factor among many.

The Committee has made a number of recommendations aimed at improving data collection and reporting; most notably a call for a central database at a state or national level of dog registrations and dog 'histories', including dog attacks. The Committee considers that this is an important step to enable more evidence-based policy decisions in the future.

A qualified solution

On the basis of the findings above, the Committee has recommended that the Government lift the current ban on the registration of Pit Bulls that have not previously been registered. The Committee was informed that there are many benefits to registration, including that it provides opportunities to encourage responsible pet ownership. The Committee considers that allowing the registration of Pit Bulls would facilitate councils encouraging responsible ownership of these dogs. Allowing the registration of Pit Bulls would also mean that councils could no longer seize and euthanase them *solely* because of their breed. Euthanasia would remain an option for individual Pit Bulls (like any dog) that have actually committed aggressive acts.

The Committee does not consider that all breed-specific provisions should be removed from Victoria's regulatory framework. Though there are difficulties determining whether or not Pit Bulls pose a greater risk than other breeds, this is partly because the relationship between breed and risk is not sufficiently understood. As a result, it is not possible to definitely say that Pit Bulls are not a problem. Adopting a precautionary approach, the Committee therefore considers that some restrictions should stay in place, at least until clearer evidence is available.

The Committee believes Pit Bulls should continue to be contained in secure enclosures with appropriate warning signage when at home. They should also be leashed and muzzled at all times when in public. While allowing the registration of Pit Bulls, the Committee considers that owners who intentionally fail to specify that their dog is a Pit Bull at the time of registration should be subject to penalties for such an omission, especially if the dog subsequently attacks someone.

The Committee supports the current provisions of the Domestic Animals Act that apply to *all* dogs, regardless of breed, that have shown aggression. Nothing in the current act or the recommendations of the Committee prevents individual Pit Bulls that have shown aggressive tendencies from being declared dangerous or menacing dogs, with special restrictions applying as a result.

Responsible dog ownership

The Committee considers that the resources and energies of local councils would be better devoted to encouraging responsible dog ownership generally, rather than focusing on identifying and managing Pit Bulls. Multiple witnesses informed the Committee that the best approach, as followed by the City of Calgary in Canada, is a 'carrot and stick' approach. This involves education and programs to encourage owners to be responsible, and a range of interventions for owners who are not.

The Committee heard that information and education programs are essential in reducing dog attacks and dog-related injuries. This report examines a number of ways such programs can be implemented. The Committee heard that Victoria is doing good work in this area, but also notes that some interesting work is being done in other jurisdictions from which Victoria might learn.

As part of this Inquiry, the Committee was told that additional and more flexible options should be available to local councils to manage dogs. A detailed assessment of these matters is beyond the scope of this Inquiry, but the Committee has recommended that a number of suggested options should be given further consideration.

In any solution, local councils will play a major role. They need to be effectively resourced to undertake their dog-control responsibilities. The Committee has made several recommendations to assist councils to get the financial support and access to the expertise that they need to effectively encourage responsible dog ownership.

Greyhounds

This report also looks at the current requirement that non-racing greyhounds be muzzled in public. Whilst Greyhounds are not classified as a restricted breed, these restrictions are an instance of breed-specific legislation. The Committee received many submissions on this issue, the overwhelming majority of which support revoking the muzzling requirement.

After reviewing the evidence, the Committee concurs that the muzzling requirement is unnecessary. Removing the requirement may increase the rate of adoption of ex-racing Greyhounds, which are currently euthanased in large numbers. However, the Committee also acknowledges that some Greyhounds may have a high 'prey drive' that could cause them to chase small animals, putting those animals and themselves at risk. As such, the Committee believes the existing requirement that Greyhounds be on a leash in public should remain. The provisions with regard to dangerous and menacing dogs, of course, should still apply to Greyhounds, as they do for all dogs. These can include compulsory muzzling where individual dogs have shown aggression.

The report also notes the value of temperament testing for Greyhounds to gauge their suitability to be around other dogs and small animals. The Committee considers that there would be benefits to broadening the number of organisations and individuals who can conduct temperament tests, as this would make it easier for people to access such services.

A workable compromise

The Committee believes the recommendations in this report would improve what is currently an unsatisfactory system. The recommendations aim to balance the benefits of keeping a dog and the need to protect the community from dog attacks. Ultimately, this report reflects the premise that owning or caring for a dog is not a *right* but a privilege and a serious responsibility.

The report acknowledges the contradictory and incomplete evidence currently available on this topic. The recommendations encourage better data collection and further research to understand this topic better. The Committee notes the need for policy in this area to be constantly reviewed as new evidence and new findings come to light.

Recommendations

3 Law and regulation relating to dog control and management

RECOMMENDATION 1: That the Government review the *Domestic Animals Act 1994*. As part of that review, the Government should consider the concerns noted in Section 3.4 of this report. 58

5 Greyhounds – A particular type of restricted breed?

RECOMMENDATION 2: That the requirement for non-racing Greyhounds to be muzzled in section 27(1)(a) of the *Domestic Animals Act 1994* be removed. 110

RECOMMENDATION 3: That the Department of Economic Development, Jobs, Transport and Resources explore ways to encourage local councils to establish secure (fenced) public areas in new or existing public parks where dogs including Greyhounds can be socialised and exercised off leash. 110

RECOMMENDATION 4: That the Department of Economic Development, Jobs, Transport and Resources fund a formal, independent evaluation of Greyhound Racing Victoria’s Greyhound Adoption Program to identify its level of success at effectively testing the temperament of Greyhounds for rehoming. In particular, the evaluation should seek to determine which elements are essential to the program and which elements, if any, are unnecessary or can be undertaken by other groups or organisations. As part of the evaluation, alternate programs for rehoming Greyhounds and for increasing the number of Greyhounds that are assessed and rehomed should also be examined. 116

RECOMMENDATION 5: That the Department of Economic Development, Jobs, Transport and Resources develop a system to accredit multiple agencies, organisations and individuals to conduct Greyhound temperament testing. Accreditation would provide prospective owners with assurance that the temperament testing undertaken by the agency, organisation or individual is of an appropriate and consistent standard. In developing a new system, the Department should consider the Greenhounds program from New South Wales and the results of any evaluation conducted as recommended in Recommendation 4 of this report. 117

RECOMMENDATION 6: If the Government decides not to remove the muzzling requirement from section 27(1)(a) of the *Domestic Animals Act 1994*, agencies and individuals accredited as per Recommendation 5 should be able to award green collar exemptions to the muzzling provision to any Greyhounds passing their testing. 118

6 Education strategies

RECOMMENDATION 7: That the Department of Economic Development, Jobs, Transport and Resources continue to have dog safety programs in schools and kindergartens independently evaluated at regular intervals. Future evaluations should particularly focus on whether:

- (a) there needs to be more work done to ensure that parents and teachers reinforce key messages after sessions are delivered
- (b) the programs are impacting on the rate of injuries from dog attacks.140

RECOMMENDATION 8: That the Department of Economic Development, Jobs, Transport and Resources explore the advertising and publicity campaigns about dog safety recently conducted by the Townsville City Council to identify whether any aspects of these campaigns would be appropriate and practicable in Victoria.147

7 Responsible pet ownership as a strategy to reduce dog attacks

RECOMMENDATION 9: That the Department of Economic Development, Jobs, Transport and Resources work with microchip suppliers to establish a system for sharing information with local councils. The system should enable microchip companies to supply data in a format that councils can use to identify animals that are registered with a microchip company but not registered with local councils. Councils should then be able to investigate addresses with suspected unregistered animals to encourage registration.159

RECOMMENDATION 10: That the Department of Economic Development, Jobs, Transport and Resources encourage local councils to implement return-home policies for registered pets where practicable.162

RECOMMENDATION 11: That the Department of Economic Development, Jobs, Transport and Resources investigate whether mandatory de-sexing for dogs (other than those registered for breeding) would be likely to reduce the rate of serious injury from dog attack. The Department should report its findings along with any recommendations to the Government for consideration.165

RECOMMENDATION 12: That the Department of Economic Development, Jobs, Transport and Resources review the options available to local councils in managing irresponsible dog owners and recommend to the Government any appropriate changes to the *Domestic Animals Act 1994*. As part of the review, the Department should consider:

- (a) whether councils should have the capacity for larger fines and penalties including ownership bans
- (b) whether councils should have the power to issue fines in a wider range of circumstances
- (c) whether a category of ‘potentially dangerous dog’ that can be revoked if owners undertake certain actions should be introduced, including assessment of the suitability of the dog’s accommodation, training, supervision and socialisation

- (d) whether councils should have the power to penalise people for failing to comply with animal management plans
- (e) any other changes that may enable councils to more effectively combat irresponsible dog ownership, including mandatory training requirements for owners.

This review may be part of the broader review of the Domestic Animals Act recommended in Recommendation 1 172

RECOMMENDATION 13: That the Department of Economic Development, Jobs, Transport and Resources work with local councils and other agencies that may have information about potentially dangerous dogs or irresponsible dog ownership to develop a memorandum of understanding about information sharing. The memorandum should establish protocols for sharing information and should detail what information should be shared. The memorandum should include local councils, Victoria Police, human services agencies, hospitals, medical practitioners, veterinary hospitals, practitioners and practices, and any other agencies that may have useful information that will help with the identification of dogs that may attack in the future.. 173

RECOMMENDATION 14: That the Department of Economic Development, Jobs, Transport and Resources develop a system to accredit agencies and individuals to conduct temperament tests on dogs to identify potentially dangerous dogs. Accreditation would provide prospective owners with assurance that the temperament testing undertaken by the agency or individual is of an appropriate standard. 175

8 Data collection, reporting and research

RECOMMENDATION 15: That the Department of Economic Development, Jobs, Transport and Resources establish a central database of dog registrations and dog attacks, to which local councils can input data, similar to the Companion Animals Register in New South Wales. All councils should be required to provide registration data to this database. All councils should also be required to provide key information about all dog attacks (such as identifying the attacking dog, the location and circumstances of the attacks, the injuries sustained, the outcome of the incident and the owner history and suitability where relevant)..194

RECOMMENDATION 16: That the Department of Economic Development, Jobs, Transport and Resources investigate opportunities to include questions about the prevalence and circumstances of dog bites (including less serious bites) in other agencies’ surveys of the general public, such as the Victorian Population Health Survey. Questions should be asked at regular intervals, to establish a time series to help with the evaluation of government policies in relation to preventing dog attacks.....196

RECOMMENDATION 17: That the Department of Environment, Land, Water and Planning work with the Domestic Animals Unit (of the Department of Economic Development, Jobs, Transport and Resources) to update the model report for local council reports of operations (and associated guidance) in relation to Domestic Animal Management Plans. The updated documentation should guide councils in fulfilling their legislative requirement to publish an evaluation of the implementation of their Domestic Animal Management Plans in their annual reports. This guidance should provide examples of the type of indicators that are appropriate, including quantified indicators. The guidance should indicate that all councils should report on the number of dog attacks as part of this evaluation, along with quantified measures indicating their success at managing dangerous, menacing and restricted-breed dogs and managing owner histories and suitability where relevant. 199

RECOMMENDATION 18: That the Domestic Animals Unit of the Department of Economic Development, Jobs, Transport and Resources examine the annual reports of local councils each year to assess the evaluations within them of the implementation of councils’ Domestic Animals Management Plans. The unit should publish a brief report each year identifying any improvements that could be made to these evaluations. 199

RECOMMENDATION 19: That the Victorian Government write to the Commonwealth Attorney-General seeking a national database of dog attacks and dogs that have been declared dangerous or menacing (or the equivalent in other states) and owner histories and suitability where relevant. 200

RECOMMENDATION 20: That the Government consult with relevant academics when establishing databases related to dogs, dog attacks and owner history where relevant in Victoria and when developing surveys regarding dog attacks. This consultation should aim to ensure that the data collected will be beneficial to future research. Any data collected through these means should be freely available to researchers studying dog attacks. 203

RECOMMENDATION 21: That the Government establish processes to ensure that any dog that kills or seriously injures a person is subject to a thorough medical and behavioural assessment by a veterinary and dog behaviour expert to identify any factors that may have contributed to the attack. The results of these assessments should be publicly available. 204

9 Improving Victoria’s dog control model – the way forward

RECOMMENDATION 22: That the *Domestic Animals Act 1994* be amended to allow the registration of Pit Bulls. Other restrictions in the Act relating to Pit Bulls should be retained. 213

RECOMMENDATION 23: That section 29 of the *Domestic Animals Act 1994* be amended so that, if a dog attacking, biting, rushing or chasing is of a restricted breed but has been registered as not a restricted-breed dog, the owner should be subject to greater penalties than if it were correctly registered. 215

RECOMMENDATION 24: That section 29 of the *Domestic Animals Act 1994* be amended so that, if a restricted-breed dog attacking, biting, rushing or chasing has not been kept in accordance with the provisions of Division 3B of Part 3 of the *Domestic Animals Act* (regardless of how the dog has been registered), the owner be subject to greater penalties than if it were kept in accordance with those provisions.. 215

RECOMMENDATION 25: That the offences detailed in Recommendations 23 and 24 be decided by a court at the time of a prosecution for an offence under section 29 of the *Domestic Animals Act 1994* rather than by local council officers.. 215

RECOMMENDATION 26: That the Department of Economic Development, Jobs, Transport and Resources provide increased training to local council officers, particularly in relation to:

- (a) identifying potentially dangerous dogs (based on the individual dogs and identified risk factors rather than breed)
- (b) successful strategies to encourage responsible pet ownership, training, socialisation of dogs and animal welfare.. 218

RECOMMENDATION 27: That, if the Government continues to require local council officers to declare dogs to be of restricted breeds, additional opportunities be provided for officers to complete the training required by section 98A(4) of the *Domestic Animals Act 1994*. The Department of Economic Development, Jobs, Transport and Resources might explore the possibility of incorporating this training into the Certificate IV in Animal Control and Regulation in order to make it more readily available.. 218

RECOMMENDATION 28: That additional funding be provided to the Domestic Animals Unit for the establishment of a taskforce to guide councils towards a more comprehensive responsible pet ownership approach to preventing dog attacks, providing training to owners and assessing owner suitability and history where relevant. The taskforce should develop a state-wide policy and guide local councils in implementing it. The Domestic Animals Unit’s existing budget should not be used to fund the taskforce, nor should the existing budget be reduced as a result of the establishment of the taskforce.. 220

RECOMMENDATION 29: That a consultative committee be established to provide advice on dog management policy, including ways to encourage councils to adopt a responsible pet ownership approach to dog management. The committee should include representatives of local government, the State Government, veterinary and/or dog behaviour experts, animal welfare groups and community health. 221

RECOMMENDATION 30: That the taskforce developing a State-wide policy for encouraging responsible pet ownership consider what additional funding local councils would require to successfully and consistently implement this policy and how that funding should be provided. 222

RECOMMENDATION 31: That the Government explore opportunities to develop a national strategy in relation to preventing dog attacks with a focus on owner suitability and history where appropriate. 225

1 Introduction

1.1 Background to the Inquiry

1.1.1 A tragic occurrence

Ayen Chol was the four-year-old daughter of Sudanese immigrants living in the Melbourne suburb of St Albans.

On the evening of 17 August 2011, Miss Chol was in the living room of her home. A dog subsequently identified as an American Pit Bull Terrier¹ was wandering unattended in the street outside the house. The dog was of solid build, weighing 40 kilograms. Miss Chol was small and weighed 20 kilograms.

After rushing and physically attacking two adult members of Miss Chol's family, the dog entered the Chol family home through an open door and menaced the terrified child as she clung to her mother's leg. The dog subsequently bit Miss Chol's face and neck, holding her firmly within its grasp, despite the efforts of her mother to extricate her. The dog then dragged the child to the kitchen and would not let go until the owners of the dog came and removed the dog.

Miss Chol died at the scene as a result of her injuries.²

1.1.2 The consequences of the Chol case

The tragic death of Ayen Chol resulted in changes to the legislative framework for dog control in Victoria. The Hon. Telmo Languiller MP reflected on his visit to the Chol family to pay his respects shortly after the incident:

We told them of how every member in this house felt so deeply affected by this tragedy. We told them of the Premier's words and the Leader of the Opposition's words in Parliament. We told them of the determination as a Parliament, to do whatever it takes to ensure this would not occur again. (*Victorian Parliamentary Debates*, Legislative Assembly, 30 August 2011, p.2873)

Restrictions on specific types or breeds of dog (breed-specific legislation or BSL) existed in Victoria prior to this case, with Pit Bulls included among the 'restricted breeds' to which additional regulations applied. Following the Chol case, laws were introduced criminalising the conduct of people whose restricted-breed dogs kill or place a person in danger of death. In addition, an amnesty allowing people

1 As will become apparent, there are problems associated with identifying a dog as an American Pit Bull Terrier or Pit Bull type. In this case, the Coroner was prepared to identify the dog as a Pit Bull and this identification was a significant factor in her findings (see Section 4.4 of this report). For discussion on the problems associated with breed identification, see Section 4.3.

2 This is a truncated version of the facts associated with the death of Ayen Chol based on the Coroner's report.

to register previously unregistered Pit Bulls was cut short and new provisions were added regarding the standard for identifying Pit Bulls.³ Further changes were made in 2014 following the Coroner's recommendations. These included making it an offence to breed from a restricted-breed dog and changes intended to make it harder to overturn a council officer's declaration that a dog is of a restricted breed. The legislation is discussed further in Section 3.3.2 of this report.

Many of the speeches in the Victorian parliamentary debates when these changes were introduced spoke to the risk to children from dogs in general and from specific types of dogs, such as Pit Bulls.

This Inquiry was established in 2015 to examine the regulatory framework relating to restricted-breed dogs and its effectiveness. Concerns about the vulnerability of children have been at the forefront of this Inquiry, particularly the case of Ayen Chol, which is included in the terms of reference. Such concerns are not without basis, given that small children are more likely than any other age group to be hospitalised due to dog attacks (see Section 2.4.1 of this report). However, whether banning specific types of dog is the most effective way to reduce the risk to children (and adults) is the central issue to be considered in the current Inquiry.

1.2 Terms of reference

The terms of reference for the Inquiry ask the Committee:

... to inquire into, consider and report, no later than 31 March 2016, on the current legislative and administrative arrangements (regulatory framework) for restricted breed dogs in Victoria, including the benefits and challenges of the regulatory framework ...

The complete terms of reference specify a range of matters to be considered, which are set out in full in Appendix 1.

At the heart of the Inquiry is the effectiveness of breed-specific legislation (BSL). In discussing regulatory frameworks for dog control, a contrast is often drawn between:

- regulation by *breed*, where certain dogs are subject to more restrictions than other dogs because of their breed or type

³ In 2007, legislation had prohibited registering specific breeds ('restricted-breed dogs') that were not in Victoria prior to 2005 (*Animals Legislation Amendment (Animal Care) Act 2007*). However, in 2010, this was changed so that restricted-breed dogs could be registered if they were in Victoria in 2010 (*Domestic Animals Amendment (Dangerous Dogs) Act 2010*). In other words, any restricted-breed dogs not previously registered or who had been born in Victoria or brought into Victoria between 2005 and 2010 could now be registered. Owners were given until 2012 to register these dogs. Following the Chol case, this timeframe was reduced, so that owners only had until 2011 to register the dogs (*Domestic Animals Amendment (Restricted Breeds) Act 2011*). Any dog not registered by the deadline could not be subsequently registered and therefore could be seized and euthanased by a local council.

- regulation by *deed*, where dogs are only subject to additional restrictions if they have committed some act indicating that they are dangerous (in Victoria, dogs can be declared ‘dangerous’ or ‘menacing’ following certain actions, with varying restrictions applying as a result).

Both approaches are currently used in dog management in Victoria. This Inquiry is primarily focused on regulation by breed. However, a number of issues related to regulation by deed have also been considered. Any changes to regulation by breed that might be introduced need to be understood in the broader context of dog management to ensure that they do not reduce the safety of Victorians.

1.3 Breed-specific legislation in Victoria

1.3.1 What is breed-specific legislation?

BSL prohibits or restricts the keeping of specific dog breeds (sometimes including mixes) or types of specific breeds. In some cases, it may include dogs *presumed* to be mixes of one or more of the prescribed breeds.

The most drastic form of BSL is a complete ban; but BSL also includes any laws or governmental regulations that impose separate requirements or limitations, including but not limited to: mandatory spay-neuter, mandatory muzzling, liability insurance requirements, special licensing and additional fees, mandatory microchipping or tattoos, owner / walker age requirements, property posting requirements, confinement and leash requirements, breed-specific pet limits, sale or transfer notification requirements, restrictions on access to certain public spaces with the dog [e.g.: public parks, school grounds], required town-issued items [e.g.: fluorescent collar; vest], training requirements, requirement that photos of the dog and/or owner be kept on town file. BSL, in all of its forms, results in the destruction of many pet dogs. (National Canine Research Council 2013, p.1).

BSL is based on two key presumptions:

- that dogs are readily identifiable as members of particular breeds
- that certain breeds or types of dog are more likely to attack and/or harm people.

Whether these are reasonable presumptions is contestable and will be discussed further in Chapter 4 of this report.

1.3.2 The history of breed-specific legislation

BSL is not a recent phenomenon in Australia and Victoria. For example, restrictions on the importation of ‘Alsations’ (German Shepherds) were introduced into Australia by the Commonwealth Government in the 1920s. The ban was in part due to claims by the Graziers Council of Australia that the

Alsatian was a vicious dog and a sheep killer (Delise 2007, p.75). Whilst this ban was lifted in 1929, state law required Alsatians to be muzzled when in public until 1986. State law still requires Greyhounds to be muzzled in public today.⁴

In 1992, the Commonwealth Government banned the importation into Australia of the following dog breeds:⁵

- Dogo Argentino
- Fila Brasileiro
- Japanese Tosa
- American Pit Bull or Pit Bull Terrier.

In 2005, an additional breed was added, the Perro de Presa Canario or Presa Canario.

Each state has adopted this list of breeds as restricted breeds in its own dog-control legislation (see Appendix 4). In Victoria, the concept of a 'restricted-breed dog' was introduced into the *Domestic Animals Act 1994* in 2001.⁶ The breeds banned from import by Commonwealth legislation were classified as restricted-breed dogs and subject to a number of specific restrictions.

A fuller account of Victorian BSL is given in Chapter 3 of this report. In practical terms, the only dogs that are still subject to restricted-breed regulation in this state are Pit Bulls. No dogs of the other types listed are believed to be in existence in Victoria.

Ramping up the restrictions

When BSL was introduced in Victoria in 2001, the restrictions applying to the restricted breeds included:

- limiting the number of restricted-breed dogs that could be owned without a permit (to two)
- defining containment requirements
- requiring specific warning signage on premises where the dog is kept
- requiring muzzling and leashing when the dog is off the premises
- requiring permanent identification (such as microchipping)
- prohibiting minors from owning a restricted-breed dog or having charge of one outside the owner's premises.⁷

The Minister for Agriculture at the time also requested that animal pounds and shelters no longer rehome dogs that met the Pit Bull type.

⁴ See discussion in Section 1.6 of this chapter and in Chapter 5 of this report.

⁵ Customs (Prohibited Imports) Regulations 1956.

⁶ *Animals Legislation (Responsible Ownership) Act 2001*.

⁷ *Animals Legislation (Responsible Ownership) Act 2001*.

Additional restrictions were introduced subsequently. In 2005, a provision was introduced prohibiting the registration of a restricted-breed dog if it is not de-sexed. In 2007, councils were no longer able to register a restricted-breed dog unless it had been in Victoria in 2005 and registered prior to 2007. If found and identified as an unregistered Pit Bull by local council officers, a dog was subject to being seized and euthanased.⁸

In 2011, after the Chol case, additional penalties were added for anyone who allows a restricted-breed dog to kill or place a person in danger of death. A new standard was introduced for identifying Pit Bulls and a temporary amnesty allowing people to register restricted-breed dogs not previously registered was cut short. In 2014, further changes were introduced, including penalties for breeding from a restricted-breed dog, the power to disqualify people from owning dogs under certain circumstances and changes to the burden of proof about breed.

1.3.3 Regulation by deed

The second common legislative approach to addressing dog attacks is targeting individual dogs (of whatever breed) that have exhibited certain behaviour or *deeds*. As will be discussed in Chapter 3 of this report, the provisions under the *Domestic Animals Act 1994* to declare a dog ‘dangerous’ or ‘menacing’ are examples of such an approach. In Victoria, these provisions are in addition to, rather than in substitution for, BSL. As with a restricted-breed dog, following the declaration of a dog as dangerous or menacing, restrictions may limit the conditions under which it can be kept, such as requiring de-sexing, containment and restraint or enrolment in a dog training course.

Criticism has been levelled during the Inquiry that too often the term ‘restricted-breed dog’ is unthinkingly used as a shorthand for ‘dangerous dog’ or vice versa, when in fact they are two distinct categories. In other words, a restricted-breed dog such as a Pit Bull *may* be dangerous but often will not be. Similarly a proven dangerous dog may be of any breed, including the great majority of breeds that are not restricted.⁹

1.3.4 Breed-specific legislation revisited

BSL has resulted in divided views in the public. The ‘deed not breed’ detractors see it as a ‘knee jerk’ response or ‘fantasy legislation’, while its supporters see it as a sensible and essential mechanism for ensuring community safety.¹⁰ There is substantial opposition to the legislation, with opponents including not only the owners and enthusiasts of dogs that resemble Pit Bulls but also major veterinary and animal welfare bodies.¹¹

⁸ For an overview of the role of local council officers in dog control, see Section 3.3 of this report. For a discussion of the complexities and controversial nature of breed identification, see Chapter 4 of this report.

⁹ See, for example, Ms Linda Watson, *Public Hearing*, 20 October 2015; Mr Brad Griggs, *Public Hearing*, 24 November 2015.

¹⁰ These stakeholder debates are discussed in greater detail in Section 1.5 of this chapter.

¹¹ See discussion in Section 1.5.6 of this chapter.

The legislation has encountered a number of practical difficulties in implementation. When a dog is declared to be of a restricted breed by a local council, the owner has the right to appeal against the declaration on the basis that the dog's breed or type has been misidentified. A series of cases have been brought against local councils. Such cases are often lost by local councils due to the alleged vagueness, complexity and inconsistency of the *Standard for Restricted Breed Dogs in Victoria*, the standard used by animal management officers to identify prescribed breeds based on physical characteristics.¹² Such cases have resulted in costs to local councils without clear benefits.

As a result of this litigation and general dissatisfaction with the current legislation by multiple parties (including owners, local councils and professional bodies), this Parliamentary Inquiry was established.¹³ A moratorium on the euthanasia of restricted-breed dogs solely because of their breed was also put in place until September 2016, by which time the results of this Inquiry would be tabled.¹⁴

1.4 Companion animals in Australian life

An understanding of the culture of dog ownership in Australia assists in explaining the various views put forward on how to control dogs that are dangerous (or potentially so) and the heated debates that can arise in this area.

1.4.1 Dog ownership in Australia

It is estimated that Australia has one of the highest rates of pet or companion animal ownership in the world,¹⁵ with dogs the most common type of pet. An estimated 39 per cent of Australian households own a dog. There are an estimated 4.2 million pet dogs in Australia, which equates to 19 dogs for every 100 people.¹⁶

In Western countries, dogs tend to be viewed as 'family members' and are an integral part of the household (Rock et al. 2014).¹⁷ This is particularly true of

¹² See Chapter 4 of this report for a discussion of the problems associated with breed identification generally and the use of the Standard in particular.

¹³ See, for example, *Victorian Parliamentary Debates*, Legislative Council, 5 May 2015, pp.1175-81.

¹⁴ *Domestic Animals Amendment Act 2015*.

¹⁵ The terms 'pets' and 'companion animals' are used fairly interchangeably, although the latter seems to be increasingly popular in recent years. A pet or companion animal is defined by Duckworth as 'a non-food animal that is domesticated, not eaten in the respective culture, not bred or raised for food or fibre, and interacts with humans. A companion animal is also generally given a name.' (Duckworth 2009, p.21)

¹⁶ RSPCA, 'How Many Pets Are There in Australia?' <kb.rspca.org.au/How-many-pets-are-there-in-Australia_58.html>, accessed 9 November 2015; Australian Veterinary Association, 'Pet Ownership Statistics' <www.ava.com.au/news/media-centre/hot-topics-4>, accessed 8 December 2015.

¹⁷ However, there are variations to the cultures of dog ownership within 'Western society'. For example, when Professor Grahame Coleman of the Animal Science Research Centre gave evidence to the Committee (*Public Hearing*, 18 November 2015), he spoke of the differences in attitudes to dog ownership in Sweden, where de-sexing of dogs is unheard of and seen as an 'unnecessary mutilation'. Nonetheless, the Swedes (according to Professor Coleman) demonstrate high levels of responsible dog ownership.

Australian society. From the ‘Dog on the Tuckerbox’ to ‘Red Dog’, canine companions have taken an important place in Australian history, media and culture.¹⁸

A shift has been observed in Australia, particularly over the last 50 years, from dogs being primarily working animals, particularly in rural settings, to being leisure-time companions (Duckworth 2009, pp.3ff). Along with this, there has been an increased perception that dogs should be treated with kindness and respect. The evolution of the concept that dogs, and other animals, are not to be treated cruelly or negligently is today enshrined in the various laws preventing cruelty to animals. Increasingly the once-separate service sectors of animal management and animal welfare are converging, particularly at local government level (see Thompson 2013, p.1).

Models of dog control

There have also been variations in the way people see their relationships with pets, with attitudes fluctuating between the idea of pets as *property* and the *guardianship* model of control;¹⁹ between pet ownership as a *right* and as a serious, even onerous, *responsibility*. Much evidence given to the Inquiry speaks of the need for a shift from a dog *control* model to a *responsible dog ownership* model.²⁰

However, the responsible dog ownership model brings with it a number of challenges. The model requires owners to have a good understanding of dogs and how to manage them. As Dr Paul Martin, President of the Australian Veterinary Association (Victoria), told the Inquiry, though, ‘there is a persistent gap between the community’s desire to live alongside dogs and its knowledge of how to properly interact with those same dogs.’²¹ In addition, there will always be callous, uncaring dog owners who are not interested in gaining such knowledge. These issues are explored further in Chapters 6 and 7 of this report.

1.4.2 Health and social benefits of dog ownership

Much academic research extols the benefits of pet ownership. Such benefits include:²²

- companionship
- relief of loneliness (particularly for the elderly or those on their own)

¹⁸ See Duckworth 2009 for a comprehensive account of the place of the dog in Australian history and culture.

¹⁹ Whereas a ‘dog owner’ possesses the dog as property, a ‘dog guardian’ is a person entrusted by law to care for the dog responsibly. Whether this is a substantive or purely semantic difference is an interesting question, but beyond the scope of this report. For some discussion in the US context, see Defending Dog, ‘Guardianship v Ownership’ <www.defendingdog.com/id29.html>, accessed 8 November 2015.

²⁰ See, for example, Mr John Zolis, *Submission 258*, 10 July 2015.

²¹ Dr Paul Martin, President, Australian Veterinary Association (Victorian division), *Public Hearing*, 10 November 2015.

²² A full account of the physiological and social benefits of dog ownership is beyond the scope of this report. A good account of the health benefits in particular is outlined in Bradley 2014.

- relaxation
- improved health (Bradley 2014; Rock et al. 2014; Duckworth 2009).

In particular, owning, walking and socialising dogs ‘also aids in the development of community networks and social interaction’ (Seksel 2002, p.3), as well as providing health benefits from the physical activity. This is quite aside from the specific benefits attributable to therapy or aid dogs.

Dog ownership is increasingly focused on in health promotion, urban planning and the healthy cities movement. Policies that encourage dog walking, on- and off-leash areas and other dog-friendly environmental features are increasingly seen as fostering good health. The benefits are viewed as outweighing negative risks (such as dog aggression or dog waste) that might deter physical activity (Rock et al. 2014).²³

The trade-off between health benefit and health risk was put well by Professor Grahame Coleman of the Animal Welfare Science Centre when he gave evidence to the Committee:

It is pretty clear that there is a public health issue in the case of dog bites. What is less clear or what is less publicised, if you like, are the positive human health benefits from companion animal ownership in dogs in particular. There is a substantial literature ... to indicate that there are major physical and mental health benefits of companion animals. The physical health benefits – stuff like patting a dog lowers blood pressure, the reduced cardiovascular disease associated with that... In any risk analysis that is an important component of trying to decide the trade-offs between dogs and dog behaviour and community benefit or community loss or damage. That does not figure in most of these debates.²⁴

After reviewing the plethora of scholarship in this area, the Australian Companion Animal Council stated:

Companion animals deliver proven physical, psychological and health benefits for pet owners and have important benefits for society as a whole. Modern lifestyles can create loneliness, isolation and a sense of vulnerability. Dog ownership provides companionship, gives immense pleasure and reduces stress levels, without the demands of human relationships.

Growing up with a dog assists in the social development of children by improving social skills and self-esteem. Children can learn responsibility, empathy and respect by living with and caring for a dog.

...

Several Australian studies have shown quantifiable links between pets and better health. Owing a dog is associated with better cardiovascular health and lower levels of stress and depression. Research conducted in Australia and Germany has shown

²³ However, for an account of how dog ownership may be under threat in urban areas of Australia due to changes to urban planning and environmental policies and increased local government regulation, see Australian Companion Animal Council 2015 and Duckworth 2009.

²⁴ Professor Grahame Coleman, Animal Welfare Science Centre, University of Melbourne, *Public Hearing*, 18 November 2015.

that pet ownership is associated with better human health. Dog and cat owners use the health system less than non-owners; they make fewer annual doctor visits and spend less time in hospital. Dogs enhance preventative health measures in the community through companionship, stress reduction, exercise and assistance to those who may otherwise depend on Government funded assistance. The long term health benefits of owning pets lead to savings in national health expenditure.²⁵

1.5 Stakeholder debates on breed-specific legislation

Whilst there are many benefits associated with dog ownership, the relationship between dogs and human beings is undoubtedly complicated. The issue of restricted-breed dogs (and dog control generally) can be emotive and can give rise to differing viewpoints. These are centred on what is perceived as the unfair and discriminatory treatment of certain dog breeds on the one hand; and the imperatives of protecting community safety on the other.

Though there may be broad agreement that *something* must be done to prevent injury from dog attacks, there is clear disagreement as to *how* it should be done. Should an approach that focuses on individual dangerous dogs (deed) be applied? Or should a class of dog that is perceived as particularly dangerous (breed) be targeted? Or should there be a mixture of both approaches, as is currently the case?

The debates and assumptions underlying the various positions on BSL are not exclusive to Victoria. They have been played out in a number of similar inquiries in other Australian states and overseas.²⁶

1.5.1 The science behind breed-specific legislation

A critical issue in the stakeholder debates is the science behind BSL. A large number of submitters and witnesses to this Inquiry stated that, in their opinions, BSL is not in accord with the scientific evidence. As further discussed in Section 4.4.3 of this report, some studies have found that Pit Bulls are no more likely to harm people through attacks than other breeds. However, there have also been some studies indicating that certain breeds (including Pit Bulls) are more dangerous than others. In addition, fundamental flaws with the data used

25 Australian Companion Animals Council Inc, 'Dogs in Society Position Paper – Public education strategies for dog bite prevention' <www.acac.org.au/pdf/public_educationstrategies.pdf>, accessed 04 November 2015.

The People and Pets Study conducted by the Baker Institute in Sydney in conjunction with the Centre for Public Policy at Melbourne University found that up to \$1.5 billion is saved every year because of the health benefits of companion animals (in Duckworth 2009, p.23).

26 Such reviews and inquiries have included the:

- *Review of the Regulated Dog Provisions of the Animal Management (Cats and Dogs) Act 2008* – Queensland (2012)
- *Companion Animals Taskforce on the Management of Dangerous Dogs* – New South Wales (2013)
- *Inquiry into Proposed Changes to the Dog and Cat Management Act* – South Australia (ongoing).

A major review of BSL and dangerous dog provisions has also taken place in the United Kingdom in recent years – see Ares 2015. For arguments for and against BSL in the American context, and reviews of the laws in various American states, see Kenneth M. Phillips, 'Arguments for and Against Breed Specific Laws' <dogbitelaw.com/breed-specific-laws/arguments-for-and-against-breed-specific-laws/>, accessed 20 October 2015. Important work has also been undertaken evaluating BSL in the Netherlands (see Cornelissen & Hopster 2010).

in studies correlating breed and injury have also been pointed out. Overall, the Committee considers that the science is not clear about the significance of breed in relation to dog attacks.

Mr Rob Spence, Chief Executive Officer of the Municipal Association of Victoria, acknowledged that dog control is one of the ‘top group’ of priorities for local councils. But he also noted that the lack of good data in Victoria make this a difficult area for policy development:

So we were trying to turn our minds to ‘How big is the issue we are trying to deal with relative to the cost of the fix?’ ... I cannot remember the stats now, but my rough memory is that maybe 40 per cent or something of dogs are not registered in the view, so there is a stack of dogs out there that we have no sense of what they are and whether they are appropriately registered in terms of breed. There are significant issues with it. But what nut are we trying to crack here? At the moment we are dealing with a small number of breeds that are considered restricted. Do we want a whole model to deal with it?

With dangerous dogs it is different because there has been an incident and actions taken after the incident. We do not want issues with incidents, and we are trying to deal with it by using restrictions on breed to fix that problem. I have been around for a million years in this space, in the public sector, and this is one of the toughest I think in terms of a sensible policy solution that I have come across.²⁷

In this context, the Brimbank City Council has argued that the *precautionary principle* means that the Council should take action, even where there is scientific uncertainty:

Brimbank City Council believes that a preventative approach should be taken to protect individual and community safety. The uncertainty over the effectiveness of the current legislative and regulatory approach to restricted breed dogs, should not be a basis for the removal of those controls where there remains a risk of serious or irreversible impacts to the health and safety of people and other animals.²⁸

The same precautionary principle might be seen at the State level. As Louise Staley MP stated in 2015:

Amendments were made to the principal act last time because of a horrific attack on a child that resulted in that child’s and her mother’s death. When the Parliament made those decisions at that time, it acted to say, ‘We are going to err on the side of caution. We are going to say that these dogs are dangerous and we do not want them in our society’. From there we took what in some cases is called a precautionary approach. In relation to other things I am not a big fan of the precautionary approach, but when it comes to protecting the lives of innocent people from very angry and badly behaved dogs, we have to err on the side of caution.²⁹

²⁷ Mr Rob Spence, Chief Executive Officer, Municipal Association of Victoria, *Public Hearing*, 17 November 2015.

²⁸ Brimbank City Council, *Submission 214*, 15 July 2015.

²⁹ *Victorian Parliamentary Debates*, Legislative Assembly, 15 April 2015, p.1045.

An argument raised a number of times during this Inquiry against BSL is that Pit Bulls are responsible for only a small portion of attacks. As the Australian Veterinary Association has argued, for example, ‘even completely effective breed-banning would only improve public safety by a very small percentage’ (Australian Veterinary Association 2012, p.12).

The argument for BSL relies on the idea that Pit Bulls (and certain other breeds) may pose a higher risk of injuring people than other breeds. That is, Pit Bulls may be more likely to attack and do damage than other dogs. If this is the case, it could be argued that encouraging people to own a different breed of dog would be a sensible policy. This could reduce the number of injuries without stopping people from having the benefits of owning dogs.

By way of analogy, the argument for BSL is similar to the argument in favour of banning a make of car that poses a higher safety risk than other makes. Just as banning a riskier type of car is not going to bring the road toll down to zero, BSL is not going to eliminate all injuries from dog attacks. All dogs have the potential to attack and cause injury. But if certain dogs pose a higher risk, reducing the number of those dogs (or their opportunity to attack) will reduce the number of people hurt and make a positive difference to some individuals’ lives.

However, whether or not Pit Bulls *are* riskier than other breeds is a heavily contested point.

1.5.2 Moral panics

As noted above, studies have reached different conclusions about whether or not Pit Bulls pose a greater risk than other breeds. Problems with the data have also caused some people to generally question the reliability of many studies investigating breed and risk.

Some opponents of BSL argue that the portrayal of Pit Bulls as inherently dangerous is a media construct (Bradley 2014, p.9). Media reports about breed have been shown to be unreliable (Patronek et al. 2013, pp.1731, 1733-4), with a tendency to report attacks attributed to Pit Bulls more often than attacks by other breeds (Delise 2007, p.147; Patronek & Slavinski 2009, p.337).

Many submitters likened the treatment of Pit Bulls to a ‘trial by media’. They argued that the Pit Bull is the latest in a long list of dogs that have been demonised in popular culture and targeted unfairly by lawmakers. One submission stated that Dobermans, Rottweilers, Greyhounds, Pit Bulls and even the iconic Blue Heeler have all been labelled as dangerous at certain times, usually following some widely publicised adverse event.³⁰

³⁰ National Animal Aid Society, *Submission 19*, 27 June 2015.

Some authors have drawn on the sociological theory of ‘moral panic’ to explain this ‘demonisation’ of particular dog breeds. Moral panic theory suggests that society invents ‘folk devils’ as a result of powerful messages that spread through the community, with the media often contributing. Whether the subject is a supposed Salem witch or a Pit Bull:

A moral panic needs a folk devil, the imagined source of terrible menace, to whom people assign all the traits that make the folk devil deviant and threatening. (Delise 2007, p.x)

Such tendencies may be exaggerated by the nature of dog attacks:

... dog bites meet a number of criteria documented by psychologists to lead people to have an exaggerated perception of a risk. Such perception typically becomes elevated when the risk exposure feels involuntary or beyond the person’s control, is simply unfamiliar, or arises from something that taps into ancient fears, such as predators with big teeth. The most effective trigger for inflated fear is a perceived risk to children. Dog bites stimulate all of these emotional triggers. (Bradley 2014)

In the context of dog attacks, particularly those concerning fatal injuries:

If the press has a source that calls the dog a pit bull, a statistically rare tragedy can be portrayed as an act of deliberate canine malice, and the forerunner of impending disaster. (Delise 2007, p.x)

Delise notes that the source of the panic (the ‘folk devil’) can change over time.³¹ In the context of dogs, breeds once considered ‘fashionable’ or ‘safe’ can take on a persona of menace. Conversely, dogs originally viewed as dangerous can become benign over time. For example, the Collie and Newfoundland were once viewed with disdain and even fear, though this is no longer the case. Changes in the perception of certain breeds can follow shifts in popular culture and historical circumstance. Before World War Two, Dobermans were viewed as intelligent and hard-working show-dogs and watchdogs. After the war, they came to be feared not only because of their supposed ferocity but also because of their association with the Nazis (Delise 2007, pp.79ff). German Shepherds were once vilified as indiscriminate livestock killers but were redeemed in the public consciousness (in the United States at least) by their portrayal in the Rin Tin Tin movies (and later television series). Similarly, the book and movie of ‘Lassie Come Home’ endeared the Collie breed to the public (Delise 2007, p.50).

1.5.3 The impact on owners and families of declared dogs

An important consideration in this debate is the impact of breed-specific declarations on the owners and their families. Declarations can result in beloved family pets being euthanased or removed into local council pounds for months or years whilst the legal process is followed.³² As Mr Brad Griggs told the Inquiry:

³¹ Delise’s work is primarily sourced from her book *The Pit Bull Placebo*. Chapters 10-15 in particular analyse the way in which Pit Bulls have been negatively constructed in the public consciousness and subjected to legislative interventions such as restricted-breed legislation both in the USA and elsewhere.

³² On the issue of the fear of responsible owners that their Pit Bull type dogs may be arbitrarily taken away from them, see Ms Tara Laursen, *Submission 173*, 10 July 2015.

'Families can go to the wall to defend their family dog'.³³ The emotional and financial cost to families who have had a pet seized as a result of BSL is summed up in a submission to the Inquiry by the Canine Welfare Alliance of Australia:

In our experience the emotional toll of restricted breed legislation is not limited to the seized dogs. Owners of dogs that have been seized, fall victim to the stress of not knowing what the future holds for their family pet. Where family dogs are euthanased under Breed Specific Legislation, feelings of loss and anger can lead to more serious issues ...

The impact on children of owners of dogs seized can lead to the fear of losing future pets, especially if children are not yet old enough to understand why their dog has been taken from them. Children often identify dogs as family members and parents are left with the job of explaining the absence of the family dog, which is a difficult task in itself. Furthermore, the enormous financial burden must be taken into account. Owners of seized dogs, which have no history of aggressive behaviour, are forced to fund their own defence for having purchased or adopted a dog whose only crime was having certain physical characteristics. Often these dogs are family dogs and owners are forced to literally fight for their dog's life at huge financial cost. There can be the loss of income due to attending hearings and liaising with councils, then the issue of raising funds to meet legal costs, which many families simply do not have. In many cases owners, quite understandably, feel they have no option but to surrender dogs to the council under pressure from animal management officer realising that the cost of appeals is simply out of their reach.³⁴

1.5.4 The need to protect the community

Clearly the destruction of a family pet is an emotional and distressing event. Nonetheless, it is equally important to acknowledge that dog attacks are a genuine public health concern. As further discussed in Chapter 2 of this report, whilst *fatalities* from dog attacks are rare, *injuries* as a result of dog attacks are much less rare, with young children having a higher risk than adults. As Coleman, Hall and Hay state:

... the harmful outcome of these attacks in terms of physical injury and the potential for the development of an enduring fear of animals, means that reducing the incidence of dog attacks on children is an important public health consideration. (Coleman, Hall & Hay 2008, p.272)

While most injuries from dog attacks occur in people's homes (see Section 2.4.2 of this report), dog attacks in public places can be a source of particular community concern. Van de Kuyt notes that:

Murray and Penridge (1992) state "few things detract more from urban life than the loss of the right to move peacefully along footpaths and through urban areas." They argue statistics alone cannot adequately convey the social cost of aggressive dogs, such as anxiety and psychological trauma to the victims, loss of work or school time, costs to the health system and restriction of walking in public places. (Van de Kuyt 2002, p.5)

³³ Mr Brad Griggs, owner and operator, Canine Services International, *Public Hearing*, 24 November 2015.

³⁴ Canine Welfare Alliance of Australia, *Submission 217*, 17 July 2015.

Local councils view the safeguarding of community safety as one of their principal responsibilities. A submission from Golden Plains Shire Council is fairly typical of this need to put community safety first:

It is important to note that the central vision of Council is to offer to its rate payers the lifestyle and opportunities that foster social, economic and environmental wellbeing through sustainable development. Of particular importance to achieving this vision is fostering and maintaining a strong sense of community safety in response to a number of issues, including domestic animal management. As the sole authority charged with implementing and enforcing the restricted breed dog legislation within the municipality, community safety is key to Council's submission on this important issue.³⁵

This responsibility makes the need to do something important. However, the question remains whether BSL is the most effective and appropriate approach to take.

1.5.5 The effectiveness of breed-specific legislation

Many witnesses and submitters told the Committee that BSL has not worked in Victoria and has not worked in other jurisdictions. While no formal evaluation of the effectiveness of BSL has been conducted in Victoria, evaluations have taken place in a number of other jurisdictions. As discussed in Section 4.5 of this report, however, these evaluations have returned contradictory or unclear results as to whether or not BSL has been effective.

From a policy perspective, it is important not just to understand whether or not BSL is effective, but also whether or not it is the *most effective* option for reducing injury from dog attacks. As Bradley states:

In considering any public policy change in response to a perceived threat to the general welfare, however, it is important to consider not only the scope of the problem itself relative to other risks, but the costs and benefits of potential regulatory strategies. When a potential strategy is considered, we must still consider what detrimental side effects it might carry, what resources would be required to effect it, and whether such resources might have greater beneficial impact on public safety if directed toward other hazards. (Bradley 2014, p.1)

Deaths or injuries as a result of dog attacks should not be reduced to a crude cost-benefit analysis. However, it is important to consider the opportunity cost of implementing particular strategies. That is, if resources are devoted to enforcing BSL, those same resources cannot be put towards other strategies. If other strategies are more effective than BSL, adopting these instead has the potential to produce better outcomes for the community.

³⁵ Golden Plains Shire Council, *Submission 122*, 9 July 2015. See also the comments of the Municipal Association of Victoria, *Submission 194*, 10 July 2015.

1.5.6 Views expressed to the Committee

Of the submissions that specifically addressed BSL, the vast majority opposed the current model in Victoria. The view of these submissions was overwhelmingly that dog aggression should be controlled by ‘deed not breed’.

The other submissions on this issue were either fully or partially satisfied with the status quo, or were equivocal/ambivalent as to its appropriateness. Some submissions argued that the list of prescribed breeds should be maintained *except* for Pit Bull Terriers or Pit Bull types.³⁶

Organisations that opposed BSL in their evidence to the Inquiry included:

- Australian Veterinary Association
- DOGS Victoria
- RSPCA
- Animals Australia
- Australian Companion Animal Council
- Lost Dogs Home (in part).

The Inquiry also received 35 submissions from Victorian local councils (out of a total of 79). Of these submissions, 17 opposed BSL, as did the Municipal Association of Victoria. Seven councils could be generally said to be ‘neutral’ regarding BSL, although many of these recognised that there are problems associated with its administration (particularly the cost of defending legal actions). Three councils specifically recorded their approval of BSL, although one (Wodonga City Council) believed it should not extend to Pit Bull types.

1.6 A note on Greyhounds

Approximately 250 of the submissions received as part of this Inquiry specifically addressed Greyhound issues (including many very short submissions or pro formas). Of these, all but two opposed the current legislation requiring Greyhounds to be muzzled in public. Two submissions supported the status quo.

The principal provisions of the Domestic Animals Act that relate to Greyhound control are found in section 27. Section 27(1) specifies that it is an offence:

If a greyhound is outside the premises of its owner and is not –

- (a) muzzled in a manner which is sufficient to prevent it causing injury by biting;
and
- (b) under the effective control of some person by means of a chain, cord or leash...

³⁶ See, for example, Wodonga City Council, *Submission 80*, 7 July 2015.

1

Although Greyhounds are not classified as restricted breeds, the restrictions on Greyhounds can be seen as an instance of breed-specific legislation. Given the significant volume of public interest, issues pertaining to the restraint and muzzling of Greyhounds have also been examined as part of this Inquiry. The Committee's considerations can be found in Chapter 5 of this report, where it is recommended that the muzzling requirement be lifted.

1.7 The work of the Committee

The Committee undertook an extensive research process to canvass the issues for this Inquiry. It sought input from as many individuals and organisations as possible that have an interest in the issues raised by the terms of reference. The submissions and hearings provided valuable insights and knowledge into a significant, challenging and sometimes emotive issue. The Committee is appreciative of the effort and valuable contribution that all individuals and organisations put into the Inquiry.

Briefing

The Committee commenced the Inquiry by receiving a background briefing from the Domestic Animals Unit of the Department of Economic Development, Jobs, Transport and Resources.

Research

This briefing was followed by an extensive review of the relevant academic and policy literature. A review and analysis of the available statistical data on dog attacks was also undertaken. Data helpfully supplied by Monash University's Victorian Injury Surveillance Unit was critical in this process.

Questionnaire

The Committee also sent an extensive questionnaire to all local councils in Victoria seeking information on their: animal management practices; experience with restricted-breed dogs; dog control issues generally; community education programs; and views on the *Domestic Animals Act 1994*. A total of 35 out of 79 responses were received.

Submissions

Calls for written submissions were published on 4 June 2015 in *The Age* and the *Herald Sun* and on 10 June 2015 in *The Weekly Times*. In total, the Committee received submissions from more than 600 individuals and organisations (including people submitting pro formas). A list of submitters is attached as Appendix 2 of this report.

Public hearings

The Committee conducted 16 public hearings, drawing on the expertise and experience of a wide range of witnesses. As the administration of the Domestic Animals Act is primarily the responsibility of local government, evidence was taken from representatives of a number of local councils, both rural and urban. The Municipal Association of Victoria also gave evidence in this regard. Other witnesses included representatives of academia, veterinary science organisations, animal trainers, animal welfare groups and lawyers working on dog-related matters.

The dog management model adopted in the City of Calgary (Canada) was identified by a number of submitters and witnesses as an example of better practice. The Committee was pleased to hold a public hearing with Mr Bill Bruce, former Director of Animal Services for the City of Calgary and an international expert in animal management. This was supplemented by a video-conference with Mr Ryan Jestin, current Director of Animal and By-law Services in Calgary.

A list of all witnesses who attended public hearings is included in Appendix 2.

1.8 Structure of the report

This report is divided into two Parts:

- Part A ('Context') outlines the key issues and data relating to dog attacks and BSL in Victoria
- Part B ('Strategies to Address the Problem') identifies the work currently underway to tackle dog attacks and the Committee's recommended improvements to the regulatory framework in Victoria.

Part A ('Context')

Chapter 2 examines the extent of the dog-attack problem in Victoria. It analyses the available statistics on the prevalence and severity of dog bites, along with the nature of such incidents – particularly who is bitten, where and under what circumstances. The key data are set out in Appendix 3. The limited nature of the statistics in this area is noted, along with difficulties in interpreting the data.

Chapter 3 looks at the current regulatory framework for dog management. Whilst primarily focusing on the Victorian *Domestic Animals Act 1994*, it also briefly examines other legislative provisions in Victoria and the regulation of dogs in other states and territories. Appendix 4 gives a more comprehensive account of the interstate provisions. The chapter notes the coronial inquest into the death of Ayen Chol and the subsequent legislative changes. It also discusses the practical problems associated with applying the law, particularly for local councils and their animal management officers.

The complex issue of breed identification is discussed in Chapter 4. The chapter looks at studies examining whether some breeds are more likely to harm people than others and whether or not BSL has worked in other jurisdictions. The difficulty in reaching a definitive conclusion on both of these matters is noted.

A particular case of BSL is examined in Chapter 5 – the muzzling and restraint of Greyhounds. The chapter examines whether the muzzling of non-racing Greyhounds should continue in the interests of public safety and finds that there would be advantages to removing the muzzling requirement. The chapter also examines issues associated with temperament testing, including the Greyhound Adoption Program run by Greyhound Racing Victoria.

Part B ('Strategies to Address the Problem')

Chapters 6 and 7 of Part B examine the issues of education, dog-attack prevention and responsible dog ownership. In particular, Chapter 6 looks at past and current education programs and their evaluation. A key focus of this chapter is the need for children to be aware of how to safely interact with dogs both in the home and in public areas. Chapter 7 examines a variety of strategies aimed at promoting responsible pet ownership, including ways to encourage registration. It also looks at some additional powers that might help local councils manage owners who do not look after their dogs responsibly and ways to identify potentially dangerous dogs. As part of this discussion, a case study is presented on what has become known as the 'Calgary Model' of responsible pet ownership.

An examination of the gaps in research, data collection and record keeping on dog attacks is discussed in Chapter 8. The chapter looks at ways that the system could be improved, especially in relation to data from local councils. The Committee recommends, among other things, the creation of a central database of dog registrations and attacks at the State level. The chapter also briefly discusses some areas where further research into dog-related issues may be beneficial.

The final chapter of the report examines how the current system of dog regulation could be improved, with particular emphasis on the restricted-breed provisions in the Domestic Animals Act. The Committee identifies a way forward, which primarily consists of allowing the registration of Pit Bulls, while maintaining other restrictions, and shifting the focus of local councils from identifying restricted-breed dogs to encouraging responsible pet ownership. The chapter also notes the importance of support for local councils from the State Government, both in terms of funding and expertise. The chapter summarises the key findings that have led the Committee to these conclusions.

Part A

Context

2

3

4

5

2

Dog attacks in Victoria

2.1 Introduction

An understanding of the data about dog attacks is critical for policy development. Historic data and comparative data help to identify who gets attacked and under what circumstances. This information can help to identify the causes of dog attacks and how best to prevent them. In some cases, the data show a different picture to what might be commonly believed. For example, the data presented in this chapter show that people are most likely to be injured by the family dog rather than an unknown dog. Similarly, most serious dog attacks happen in people's homes rather than public places. This chapter sets out the key findings from the data in Victoria and elsewhere which can inform government policy-making.

Data are also important for evaluating whether or not Government policies are successful. A number of submitters and witnesses to this Inquiry referred to dog-bite statistics as a means of assessing breed-specific legislation (BSL).³⁷ The Committee has therefore undertaken some analysis of the data cited, with further discussion about the evaluation of BSL in other jurisdictions in Section 4.5 of this report.

Hospitals and local councils are the only bodies regularly recording data about dog attacks in Victoria. Each of these sources has particular advantages and disadvantages and neither provides a complete picture. The picture can be supplemented by studies from interstate and overseas. However, these studies often reach different conclusions depending on what sources of data are used and how they are analysed. While some insights into dog attacks come from the data, there are many aspects of dog attacks where the evidence is still inconclusive.

The Committee considers that improved data collection in Victoria would be useful for future policy development and evaluation. This issue is explored further in Chapter 8 of this report.

2.2 How big a problem are dog attacks in Victoria?

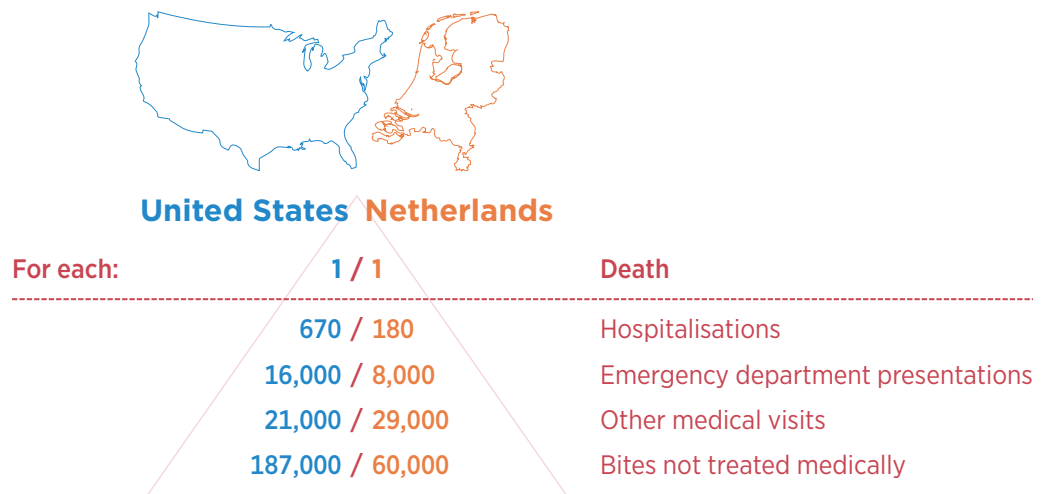
The term 'dog attack' covers a variety of different events. It includes attacks by dogs on humans and on other animals. It includes being bitten by dogs and impacts with dogs (such as being jumped on or knocked over). Dog attacks can

³⁷ See Section 2.3 of this chapter.

result in different degrees of injury to the victim, ranging from no physical harm to minor injuries to hospitalisation.³⁸ In the worst cases, dog attacks can lead to death.

Cornelissen and Hopster (2010, p.292) compare dog attacks to a pyramid. Fatal dog attacks, at the top of the pyramid, are very rare. As the level of severity is reduced, the number of incidents becomes more frequent, with attacks not requiring medical treatment the most common at the base of the pyramid. Figure 2.1 provides estimates for the different types of dog-bite injury according to one study in the USA and one in the Netherlands.

Figure 2.1 Relative frequency of different levels of dog-bite injury (USA/Netherlands)



Source: Economy and Infrastructure Committee, based on Cornelissen & Hopster 2010, pp.292, 295-6.

There is no data source in Victoria that comprehensively covers all types of dog attacks and all severities. The two sources available to the Committee are:

- statistics provided by local councils
- data from Victorian hospitals, as analysed by Monash University’s Victorian Injury Surveillance Unit.

In both cases, there are significant limitations to the data which make interpreting the information difficult.

Regarding local council data, statistics were only available from some councils, so this source does not cover all of Victoria. Different councils also record and publish different information, further limiting how comprehensive this source is. In addition, people who are injured by their own dog or the dog of relatives and friends may not report the incident to the council. Therefore, even where council data are available, they may not be comprehensive and cover all incidents.

³⁸ Section 3.4 of this report notes some of the problems with the legislation arising from the fact that dog attacks result in varied levels of harm.

Data from hospitals, on the other hand, only cover the more severe cases of dog-related injuries. While these are the most important cases from a public safety perspective, they are only a fraction of dog attacks. Hospital data do not include people who seek treatment at local doctors or who do not seek treatment at all. The figures therefore cannot be taken as an indication of the overall prevalence of dog bites in Victoria.

There are two sorts of data for hospitals – people admitted to the hospital and people treated at emergency departments without being admitted. The data for people who are admitted are comprehensive, as all hospitals are required to submit data to the Victorian Admitted Episodes Database. However, data regarding emergency department presentations are only available for public hospitals with 24-hour emergency departments and therefore do not include small public hospitals or private emergency departments. While covering the bulk of cases, the information about emergency departments is therefore not comprehensive.

Chapter 8 of this report discusses ways to improve the data on dog attacks in Victoria.

2.2.1 Data from local councils

The Committee was able to obtain statistics about reported dog attacks relating to 53 of Victoria's 79 local councils. The data indicate that an average of 4,466 attacks per year were reported to these 53 councils.³⁹

This number includes attacks on humans, attacks on other animals, serious attacks and non-serious attacks (including 'rushes'⁴⁰ in some cases). For most councils where the data are broken down, attacks on other animals make up the majority of cases.

The Committee sought details from councils about the sort of information that they record following dog attacks. All councils that responded indicated that they record some details, though there is variation in terms of what details are recorded. In a small number of cases, councils indicated that they could not, or could not readily, extract statistics about dog attacks from their systems. This is discussed further in Chapter 8 of this report.

2.2.2 Data from Victorian hospitals

Victorian hospitals record a significant amount of information about patients who present to a hospital, including both admitted patients and patients seen in emergency departments without being admitted.

³⁹ Committee calculation based on data from councils' Domestic Animal Management Plans, submissions to the Inquiry, annual reports and communication with the Committee. Data relate to 2011-12, 2012 or 2012-13. Where data are available for multiple years within this period, an average has been calculated.

⁴⁰ 'Rushing' is defined in the Domestic Animals Act (s 3) as 'to approach a person to a distance of less than 3 metres in a menacing manner, displaying aggressive tendencies that may include snarling, growling and raised hackles'.

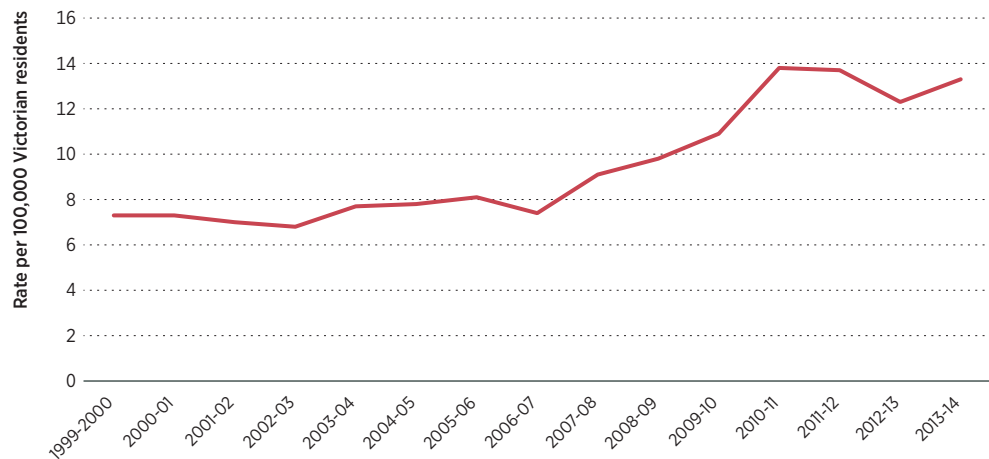
In 2009, Monash University’s Victorian Injury Surveillance Unit published an analysis of the data from Victorian hospitals between 2005 and 2007 (Cassell & Ashby 2009). The Unit provided further data to the Committee as part of this Inquiry, covering longer trends for dog bites and injuries caused by impacts with dogs (see Appendix 3).

The number of dog-bite injuries

In 2013-14, 770 Victorians were admitted to hospital as a result of dog bites. In those hospitals for which data are available,⁴¹ an additional 1,695 people were seen in emergency departments for dog bites without being admitted.

Figure 2.2 shows the trend in hospital admissions caused by dog bites, adjusted for population growth.

Figure 2.2 Hospital admissions caused by dog bites in Victoria (per 100,000 Victorian residents)



Source: Economy and Infrastructure Committee, based on data from the Victorian Injury Surveillance Unit.

The Committee notes that the rate of admissions almost doubled between 2006-07 and 2010-11, but appears to have stabilised since 2010-11.⁴²

In contrast, though, the number of people treated in emergency departments without being admitted (for those hospitals for which data were available) has not shown any significant change since 2005-06 (see Figure 2.3 below).

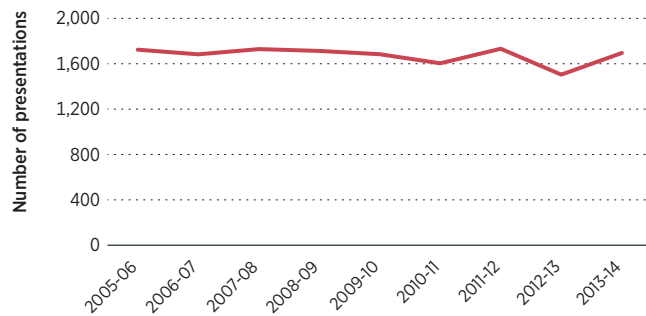
It is surprising that the trends for hospital admissions and emergency department presentations vary. If the overall number of dog attacks increased, one would expect both hospitalisations and emergency department presentations to increase. The fact that one trend increases while the other remains stable suggests that another variable is affecting the data. There was a change in policy

⁴¹ This Figure only includes public hospitals with 24-hour emergency departments (excluding Bass Coast Hospital).

⁴² The Victorian Injury Surveillance Unit notes that a change in admissions policy may have reduced numbers for 2012-13 and subsequent years.

in 2012 regarding how admissions are counted.⁴³ However, the Committee is not aware of any other change in the way that data are recorded during this period that would explain the different trends.

Figure 2.3 Emergency department presentations caused by dog bites in Victoria (number of people)



Note: Only includes public hospitals with 24-hour emergency departments (except for Bass Coast Hospital). Does not include patients who are subsequently admitted.

Source: Economy and Infrastructure Committee, based on data from the Victorian Injury Surveillance Unit.

Without knowing what is causing these trends to differ, the data should be treated with caution. A very different picture of dog attacks in Victoria is presented depending on which of these indicators is considered (see further discussion in Section 2.3 below).

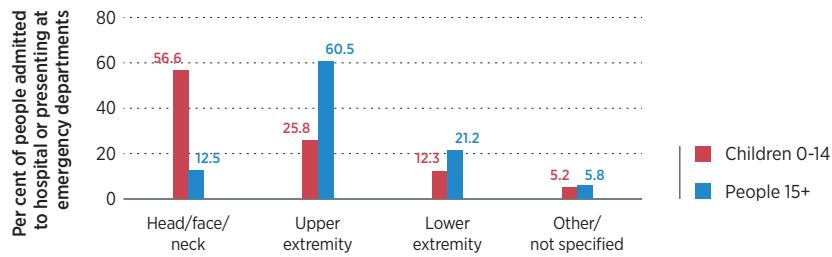
The type of injuries resulting from dog bites

Regarding the injuries suffered as a result of dog bites, the vast majority of cases admitted to hospital or presenting at emergency departments are open wounds. These accounted for 85.2 per cent of hospital admissions and 94.4 per cent of emergency department presentations in Victoria between 2005 and 2007 (Cassell & Ashby 2009, p.4).

There are some differences between adults and children in relation to injuries resulting from dog bites. Open wounds account for 94.3 per cent of hospitalisations for people aged under 15, but only 80.2 per cent of hospital admissions for people aged 15 or older (Cassell & Ashby 2009, p.4). Other injuries (such as fractures and injuries to muscles or tendons) are more common among adults. Children are also much more likely to suffer injury to the head, face or neck than adults (see Figure 2.4 below). Adults, in contrast, are more likely to be injured in the upper or lower extremities.

The data recorded by Victorian hospitals also provide important information about the nature and circumstances of dog bites. These are discussed further in Section 2.4 of this report.

⁴³ This policy change meant that fewer cases were counted as admissions and more as emergency department presentations that were not admitted.

Figure 2.4 Body region injured by dog bites, 2005 to 2007

Source: Economy and Infrastructure Committee, based on data from Cassell & Ashby 2009, p.4.

Psychological impact of dog bites

In addition to physical injury, the Committee also notes that dog bites can cause psychological harm. A study of children presenting at the Adelaide Children's Hospital due to dog bites found that 31.5 per cent of the children developed a fear of dogs after the event (Greenhalgh, Cockington & Raftos 1991, p.173). A study in Belgium found that 12 of 22 children receiving 'minor surgical treatments' for dog bites suffered some or all symptoms of post-traumatic stress disorder for more than one month (Peters et al. 2004, p.121; De Keuster, Lamoureux & Kahn 2006, p.485). The Committee is unaware of any comparable data for Victoria.

Impacts with dogs

In 2013-14, dog impacts (such as being struck, knocked over or jumped on by a dog) led to:⁴⁴

- 66 people being admitted to Victorian hospitals
- 160 people presenting to selected emergency departments (excluding those who were admitted).

Similar numbers were reported for 2011-12 and 2012-13 (see Appendix 3).

A longer-term trend for hospital admissions can be seen in Figure 2.5 below, which adjusts the numbers for population growth.

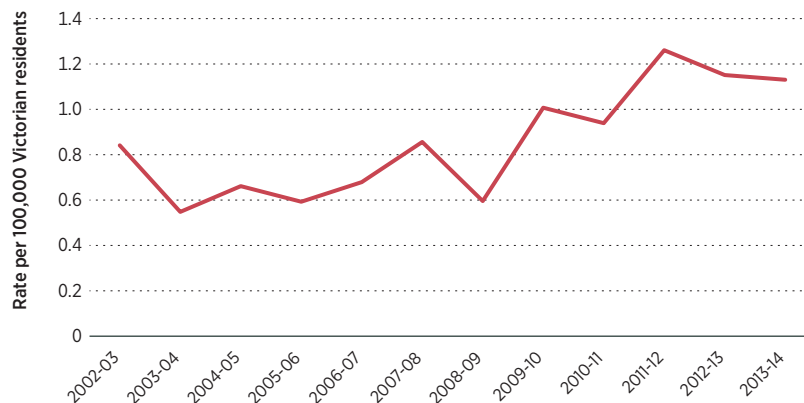
In contrast to dog bites, people hospitalised as a result of dog impacts most commonly had fractures (57.4 per cent of admissions), with open wounds only accounting for 18.6 per cent of admissions. Dislocations, sprains and strains (24.2 per cent) were the most common injuries treated in emergency departments, followed by fractures (16.8 per cent).⁴⁵

These injuries are consistent with the fact that people admitted to hospital or presenting at emergency departments as a result of dog impacts tend to be older (see Section 2.4.1 of this report).

⁴⁴ Data supplied by the Victorian Injury Surveillance Unit (see Appendix 3).

⁴⁵ Committee calculations based on data from the Victorian Injury Surveillance Unit, covering 2011-12 to 2013-14.

Figure 2.5 Hospital admissions caused by dog impacts in Victoria (per 100,000 Victorian residents)



Source: Economy and Infrastructure Committee, based on data from the Victorian Injury Surveillance Unit and Australian Bureau of Statistics (Catalogue Number 3101.0).

2.2.3 The total number of dog attacks in Victoria

Hospital admission data provide some understanding of the more severe injuries from dog attacks. These data indicate that there were 770 dog bites requiring hospitalisation in Victoria in 2013-14 (13.3 people per 100,000 residents). In addition to dog bites, there were 66 people hospitalised after being struck by dogs, most commonly due to fractures (1.1 people per 100,000 residents).⁴⁶

Deaths from dog attacks are relatively rare. The RSPCA indicated that there have been 'at least 33 dog attack deaths in Australia since 1979'⁴⁷ and Kreisfeld and Harrison (2005, p.14) identified 11 deaths across Australia in the seven years between 1997 and 2003. Consistent with this, Ms Linda Watson estimated that three people die as a result of dog-bite injuries every two years in Australia.⁴⁸ The number of deaths in Victoria will be a fraction of that.

The majority of dog attacks, however, do not result in hospitalisation or death. In addition to the 836 hospitalisations, there were a further 1,855 people seen for dog bites or dog impacts in emergency departments in 2013-14.⁴⁹ The number of dog attacks reported to local councils is higher still (see Section 2.2.1 of this report), indicating that even more attacks occur which do not need treatment in a hospital or emergency department.

Limited data about these other attacks are available for Victoria. However, studies in New South Wales and South Australia give some indication of the scale of attacks. Of all dog attacks on humans reported to local councils in New

⁴⁶ Based on data from the Victorian Injury Surveillance Unit and Australian Bureau of Statistics (Catalogue Number 3101.0).

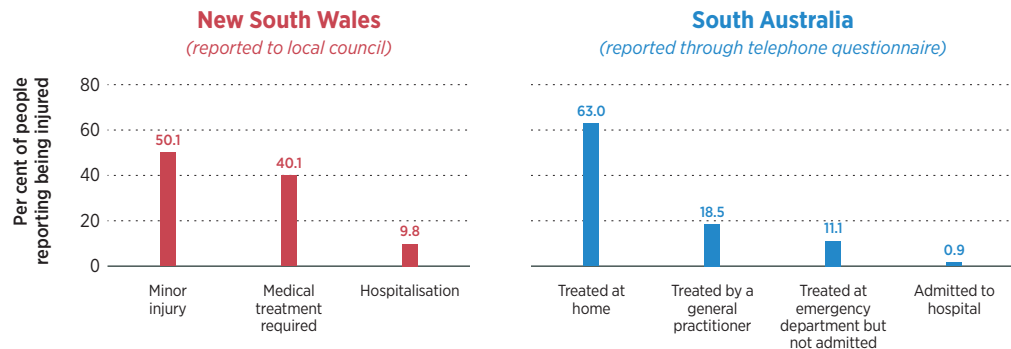
⁴⁷ The Royal Society for the Prevention of Cruelty to Animals (Victoria), *Submission 489*, 14 August 2015.

⁴⁸ Ms Linda Watson, *Submission 212*, 14 July 2015.

⁴⁹ Based on data from the Victorian Injury Surveillance Unit. Only includes public hospitals with 24-hour emergency departments, excluding dog bites presenting at Bass Coats Hospital.

South Wales, only 46.5 per cent result in the person being injured (Committee calculations⁵⁰). Of those that are injured, half are minor injuries that do not require any medical treatment and only 9.8 per cent require hospitalisation (see Figure 2.6). Similar results were found by a telephone questionnaire in South Australia (see Figure 2.6), though the Committee notes that the small sample size in the South Australian study may have skewed the results, particularly for hospitalisation.⁵¹

Figure 2.6 Level of medical attention for people injured by dog attacks



Sources: NSW: Committee calculations based on NSW Division of Local Government 2013, p.40 and quarterly reports available at NSW Office of Local Government, 'NSW Dog Attack Incidents' <www.olg.nsw.gov.au/content/nsw-dog-attack-incidents>, accessed 7 December 2015; SA: Hartnett 2011, p.6.

Studies in other jurisdictions have also indicated that most dog bites are not reported to authorities (Sacks, Kresnow & Houston 1996, p.53; Hartnett 2011, p.7; cf. De Keuster, Lamoureux & Kahn 2006, p.483).

The Committee would expect the situation in Victoria to be similar. However, in the absence of more comprehensive data collection, it is not possible to determine an accurate overall Figure for dog attacks in Victoria. Chapter 8 of this report looks at ways that data collection in Victoria could be improved.

2.3 Are things getting worse or better?

A number of submitters and witnesses to this Inquiry used statistics about dog injuries in Victoria to assess current government policy. For example, a paper supplied by a number of submitters concluded, based on the hospital admissions and emergency department data, that:

There is a correlation between increasing dog bite injuries and the key phases of breed specific legislation in Victoria. As shown in Figure 1 [Figure 2.7 below], the average hospital admissions have increased each time the legislation was 'improved'. While this highlights the ineffectiveness of restricted breed legislation, it also indicates simultaneous failures in other areas such as education.

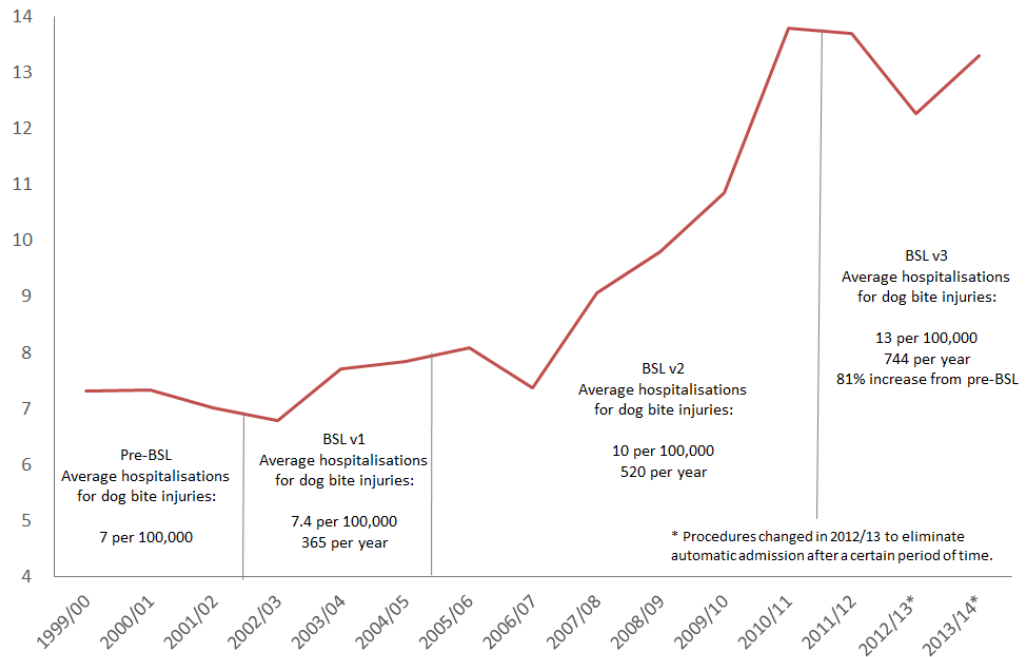
⁵⁰ Based on NSW Division of Local Government 2013, p.40 and quarterly reports available at NSW Office of Local Government, 'NSW Dog Attack Incidents' <www.olg.nsw.gov.au/content/nsw-dog-attack-incidents>, accessed 7 December 2015.

⁵¹ A Belgian study similarly found that, of 26 children bitten by dogs, 10 went to a general practitioner, 5 to a hospital emergency department and 1 was hospitalised (De Keuster, Lamoureux & Kahn 2006, p.483).

This analysis was based on the best data available to the authors at the time. There are huge deficiencies in understanding the nature of dog bite injuries, as well as the extent and nature of nuisance and aggressive behaviours, in the State. (Bruce et al. 2015, p.6)

The paper included the following graph.

Figure 2.7 Admissions to hospital for dog-bite injuries in Victoria 1999-2000 to 2013-14



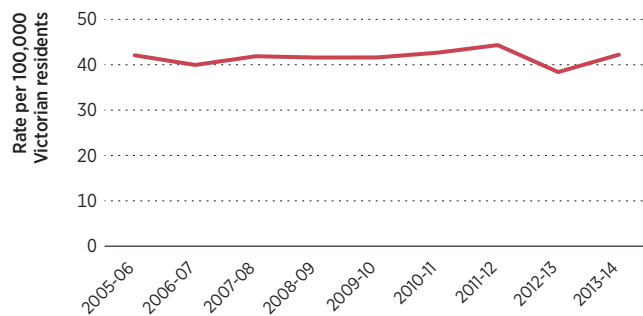
Source: Bruce et al. 2015, p.7.

The Committee notes the concerns about the data expressed by the authors of that paper.

The Committee is also concerned about the data sources and is very cautious about drawing any conclusions based on them. Figure 2.7 suggests an alarming rise in dog bite injuries between 2006-07 and 2010-11. This is based solely on hospital admissions for dog-bite injuries. However, as discussed in Section 2.2.2 of this report, a very different trend appears if one looks at the number of people seen in emergency departments without being admitted. Figure 2.8 below combines admissions and emergency department presentations and adjusts the numbers for population increase. In contrast to Figure 2.7, Figure 2.8 suggests that the rate of serious dog injuries has been relatively stable over the same period.

As discussed in Section 2.2.2, it is not clear to the Committee what has caused admissions to increase without causing the number of emergency department presentations to increase. Without an understanding of what is causing this, it is unclear which is the most meaningful measure of the situation in Victoria and therefore whether the situation is worsening or not.

Figure 2.8 Hospital admissions and emergency department presentations for dog bite injuries in Victoria, 2005-06 to 2013-14 (per 100,000 Victorian residents)



Notes: Includes all hospital admissions in Victoria and all emergency department presentations at public hospitals with 24-hour emergency departments except Bass Coast Hospital.

Source: Economy and Infrastructure Committee, based on data from the Victorian Injury Surveillance Unit and Australian Bureau of Statistics (Catalogue Number 3101.0).

It is also important to note that both admissions and emergency department presentations tell only part of the story, as presentations at hospitals reflect only a small portion of dog attacks (see Section 2.2.3 of this report). They also do not account for people who might suffer emotional trauma from an attack without suffering physical injury.

These problems of data interpretation emphasise the importance of not relying on only one indicator to measure a situation. This is one of the reasons underlying the Committee's recommendation for improved data collection and reporting by local councils (see Section 8.2.2 of this report).

2.4 The nature of dog attacks in Victoria

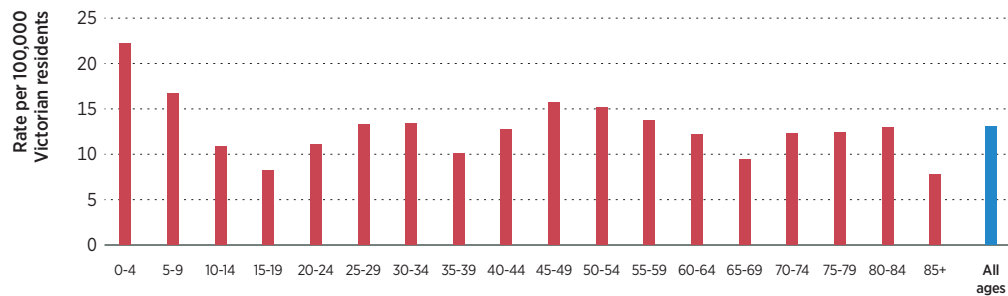
In addition to recording the number of injuries, hospital databases also include information explaining who is injured and how the injuries occurred. The Victorian Injury Surveillance Unit has undertaken some valuable work analysing the reports in hospital databases for dog-related injuries. This includes both hospitalisations and people treated in emergency departments without being admitted.⁵²

2.4.1 Who are the victims?

The data analysed by the Victorian Injury Surveillance Unit indicate that children, especially those under five years old, are significantly more likely to be hospitalised for dog bites than the adult population (see Figure 2.9).

⁵² Excluding people treated in public emergency departments that are not open 24 hours per day and private emergency departments.

Figure 2.9 Average annual hospital admission rates for dog bites (per 100,000 Victorian residents) between 2011-12 and 2013-14, broken down by age



Source: Victorian Injury Surveillance Unit.

Two-year-olds were at the highest risk of hospitalisation from dog-bite injury, followed by three-year-olds and then one-year-olds (Cassell & Ashby 2009, pp.6-8).

Research in other jurisdictions has similarly found children to be more likely to be hospitalised for dog bites than adults (Cassell & Ashby 2009, p.15). This may be partly a result of children's behaviour (Cassell & Ashby 2009, p.16). One study suggested:

Just as humans can misinterpret a wagging tail, dogs can misinterpret a screaming child. Children may be uncoordinated and may appear unpredictable to dogs because of their sudden shifts in postures and vocal range when excited. Some behaviors and some intensities of behaviors in young children can frighten dogs. Other behaviors, like shrill squealing, could be misinterpreted by dogs as sounds and signals given by prey. Excitable states facilitate misunderstanding by making all participants less aware of changes in signaling and interactive behaviors. The potential for bilateral misunderstanding and inappropriate reaction with concomitant disastrous circumstances is particularly great for children who may not have the sophistication or maturity to correctly interpret and react in rapidly changing interactions. (Overall & Love 2001, p.1926)

Even when young children are trying to interact positively with dogs, this may be misinterpreted by the dogs:

Children's normal expressions of affection can be loud, shrill, and quite physical, and their movements are often rapid and chaotic. These behaviors share similarities with certain prey behaviors and may confuse dogs or increase their reactivity in any given situation. (Overall & Love 2001, p.447)

The smaller stature of children may also make dogs more confident about attacking them than they would be in relation to fully grown adults (Chiam et al. 2014, p.793).

The high rate of child hospitalisation may also be because medical attention is more often sought for children compared to adults following dog bites (Gilchrist et al. 2008, p.299; Sacks, Kresnow & Houston 1996, p.53; Cornelissen & Hopster 2010, p.292). Being smaller than adults, children are more likely to suffer more

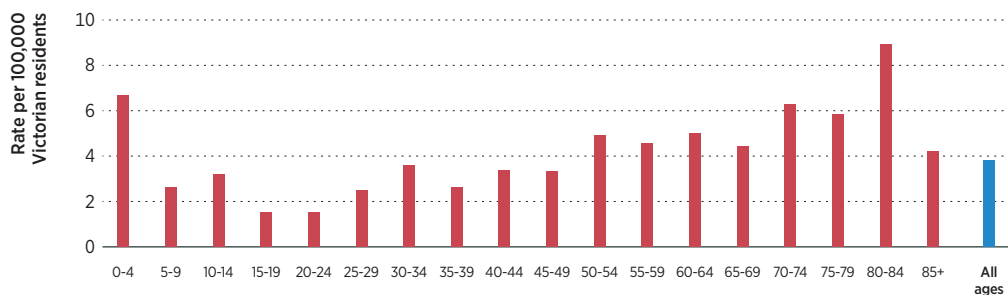
severe injuries than adults if attacked by a dog. They are also more likely than adults to suffer injuries to the head, which may increase the likelihood of seeking medical attention when injured (Cassell & Ashby 2009, p.15).⁵³

As a result of the higher risk for children, a major focus of dog-bite education policy has been on programs targeted at children (see Section 6.4 of this report).

While children are disproportionately likely to be hospitalised for dog-bite injuries, it is important to note that dog attacks are not restricted to children. In 2013-14, 80.4 per cent of people hospitalised from dog bites were aged 15 or older (based on data from the Victorian Injury Surveillance Unit).⁵⁴ Policy aimed at preventing dog attacks must therefore be aimed at adults as well as children.

In contrast to dog bites, older people are at higher risk of serious injury as a result of dog impacts (see Figure 2.10).

Figure 2.10 Average annual rate for hospital admission or emergency department presentation as a result of dog impact (per 100,000 Victorian residents) between 2011-12 and 2013-14, broken down by age



Source: Economy and Infrastructure Committee, based on data from Victorian Injury Surveillance Unit.

Children under five also have a higher-than-average risk, but the risk reduces substantially as they get older. It is important to note that this reflects people hospitalised or presenting at emergency departments as a result of dog impacts. Older children and middle-aged adults may be knocked over or jumped on by dogs just as much as the very young and older people. However, the young and the old are more likely to be seriously injured as a result.

The data from Victoria also suggest that males are more likely than females to be victims of dog bites (Cassell & Ashby 2009, pp.2-8; MacBean, Taylor & Ashby 2007, p.39). This has similarly been identified in some other jurisdictions. One study hypothesised that this may be a result of males interacting with dogs in a different way to females:

⁵³ A study of children presenting at the Adelaide Children’s Hospital noted that: ‘Children admitted to hospital required admission because of the site rather than severity of the injury’ (Greenhalgh, Cockington & Raftos 1991, p.172). Young children are also more likely than adults to present at emergency departments without being admitted, but the difference is less pronounced than it is with hospital admissions (based on data from the Victorian Injury Surveillance Unit).

⁵⁴ Similarly, 78.3 per cent of people presenting at selected emergency departments in 2013-14 were aged 15 or older (based on data from the Victorian Injury Surveillance Unit).

These statistics strongly indicate that some patterns of interaction (possibly including play) between dogs and humans are gender-biased and that some aspects of these interactions may be conducive to aggression. (Overall & Love 2001, p.1925)

However, there have also been several studies in which males are *not* found to be at a higher risk (see Section 2.5.1). This may be one area where additional research into the causes of dog attacks may be helpful.

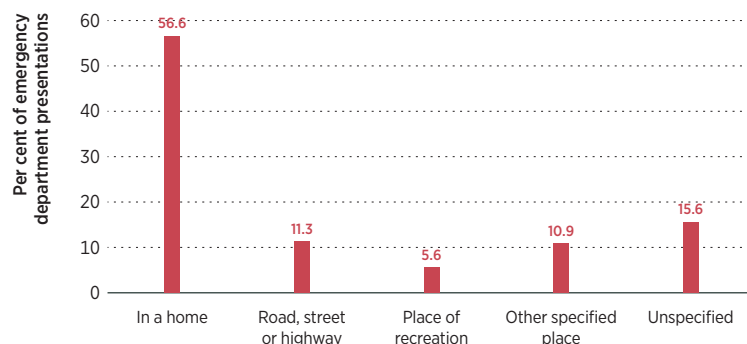
2.4.2 Where do dog attacks occur?

Hospital databases also record a range of information about the circumstances of people's injuries. However, it should be noted that this information is not always complete and is not independently verified. It therefore needs to be treated with some caution.

The Victorian Injury Surveillance Unit conducted an analysis of this information in Victorian hospital records between 2005 and 2007, which included the location of dog attacks (Cassell & Ashby 2009).

The location was not recorded for most hospitalisations, but was recorded for 84.4 per cent of emergency department presentations (excluding those resulting in hospitalisation) (Cassell & Ashby 2009, p.4). The data can be seen in Figure 2.11.

Figure 2.11 Location of dog-bite injuries leading to emergency department presentations, 2005 to 2007



Notes: Only includes emergency departments in public hospitals which are open 24 hours per day. Does not include emergency department presentations which are subsequently hospitalised.

Source: Economy and Infrastructure Committee, based on Cassell & Ashby 2009, p.3.

Most dog bites leading to people presenting to emergency departments occurred in homes (either the patient's own or another person's), including outside areas such as gardens or driveways. The road, street or highway accounted for 11.3 per cent of presentations and places for recreation accounted for 5.6 per cent.

For children aged between 0 and 14, the home accounted for an even higher proportion of emergency department presentations (68.5 per cent) (Cassell & Ashby 2009, pp.3, 9).

The figures for emergency department presentations due to dog impacts are very similar to the pattern for dog bites, with 58.7 per cent of injuries occurring in homes and 11.0 per cent occurring on the road, street or highway.⁵⁵

These statistics are important from a policy perspective. Whilst they indicate that dogs in public places (whether at large or with carers) are a significant source of dog attacks, attacks in homes are far more common. Strategies to reduce the risk of dog attacks must therefore focus on behaviour and circumstances in the home as well as the control of dogs in public.

2.4.3 Under what circumstances do dog bites occur?

The work conducted by the Victorian Injury Surveillance Unit also analysed the hospital databases from 2005 to 2007 for information on the circumstances of dog-bite injuries. Specifically, the Unit sought details of:

- the relationship between the injured person and the dog
- what people were doing when the injury occurred.

The databases include both patients admitted to hospitals and people presenting at emergency departments who were not admitted to hospital.

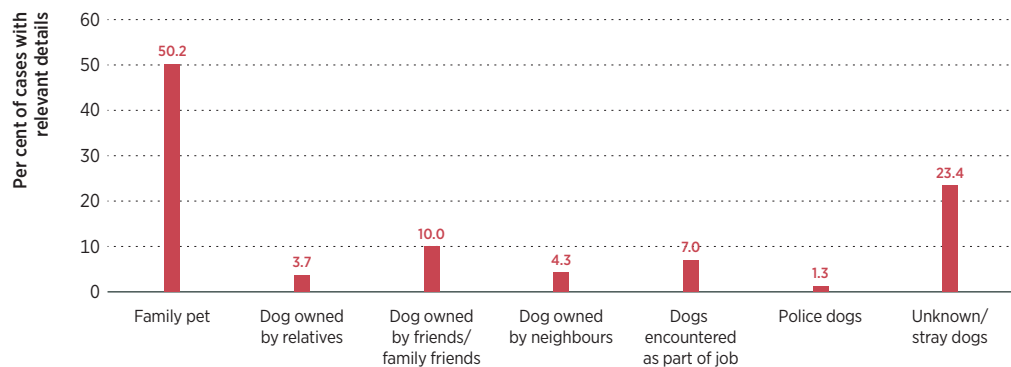
The Unit found that information about the relationship with the dog was recorded in 838 cases (13.2 per cent of all cases resulting from dog bites) and information about what people were doing in 718 cases (11.3 per cent of all cases) (based on data from Cassell & Ashby 2009, p.4).

The information provides a number of insights into the circumstances of dog attacks. However, the Committee notes that the data should be treated with caution, as relevant details were only provided in a minority of cases. These cases may not be representative. In fact, the cases disproportionately represent patients that were not admitted and people aged 15 or older. In addition, the details about the relationship with the dog and the activity are not verified but rely on patient reports.

The relationship with the dog can be seen in Figure 2.12. In half of the cases for which the relevant data were available, the family dog was the cause of the injury. The dogs of relatives and friends accounted for a further 13.7 per cent of cases. Unknown or stray dogs accounted for 23.4 per cent of cases. Dogs encountered as part of a job accounted for 7.0 per cent of cases. This includes people handling dogs as part of their job (such as veterinarians, veterinary nurses, dog groomers and police) and people visiting other people's homes as part of their job (such as people delivering items or reading a meter).

55 Committee calculations based on data from the Victorian Injury Surveillance Unit, covering 2011-12 to 2013-14.

Figure 2.12 Relationship between injured person and dog for people admitted to hospital or presenting at emergency departments, 2005 to 2007



Notes: Includes all admissions to Victorian hospitals but only includes emergency departments in public hospitals which are open 24 hours per day. Only includes cases where the relationship was noted in the hospital database.

Source: Committee calculations based on Cassell & Ashby 2009, pp.8-9, 11-13.

The Committee notes that children aged under 15 years are more likely than people aged 15 years or older to be bitten by the family dog (59.3 per cent of cases compared to 47.1 per cent) (Committee calculations based on data in Cassell & Ashby 2009, pp.8-9, 11-13). This corresponds with the fact that children are more likely to be bitten in a home (see Section 2.4.2 of this chapter).

The data indicate a wide variety of things that people were doing at the time of the dog bite. The data, as published by the Victorian Injury Surveillance Unit (Cassell & Ashby 2009, pp.8-9, 11-13), are not sufficient to make many conclusions on this matter, as descriptions are minimal or imprecise. However, the Committee notes a number of interesting points:

- In many of the cases for which details are available, people believed that the attacks were unprovoked or indicated that they were passing by the dog or doing something unrelated to the dog in the dog's vicinity.
- A considerable number of people indicated that they were injured while attempting to stop dogs fighting. This underscores the importance of reducing dog-to-dog attacks, not only to prevent injuries to dogs but also to prevent injuries to humans.
- In many cases, people were interacting with the dog. A significant proportion of people indicated that they were playing with the dog, patting it or cuddling it. Various other forms of interaction were also indicated, ranging from accidentally hurting a dog to trying to remove something from a dog's mouth to 'kissing sleeping dog when intoxicated'. This highlights the importance of educating people about how and when to safely interact with dogs.

Similarly, a study in Victoria looking at the circumstances surrounding children (under 10 years of age) who present at emergency departments for dog bites that occur in domestic settings identified several risk factors⁵⁶ which reflect interaction with the dogs, including:

- overconfidence with dogs
- provocation by the child (deliberate or inadvertent)
- lack of supervision.⁵⁷

2.5 Data from interstate and overseas

The Committee notes that statistics about dog attacks tend to vary considerably depending on the source of data and methodology. This makes comparisons between jurisdictions difficult, as variations may reflect the way the statistics are gathered or analysed rather than any differences between the places.

In addition, factors such as dog ownership rates and the existence of diseases not found in Australia (especially rabies) also make international comparisons difficult.

Given these points, the Committee does not consider that it would be meaningful to compare Victoria with other jurisdictions to identify whether Victoria has a relatively high or low rate of dog attack or serious dog injury.⁵⁸

However, data from other jurisdictions can increase our understanding of the nature of dog attacks in Victoria by confirming or raising doubts about some of the findings in Section 2.4 of this chapter. Work overseas can also supplement Victorian statistics with some data that are not available for Victoria. In particular, some work overseas has suggested that male dogs and dogs that have not been de-sexed may be more likely to attack (see Section 2.5.2). An important study of dog attacks in the USA also suggests that the factors causing fatal dog attacks may differ from less severe attacks (see Section 2.5.3).

Work done elsewhere on the breeds of dogs that attack is discussed in Section 4.4.3 of this report.

⁵⁶ Based on 51 dog-bite victims and a control group of 102.

⁵⁷ Ms Linda Watson, *Submission 212*, 14 July 2015 and Linda Watson et al. [2012], 'A Case-Control Study of Dog Bite Risk Factors in a Domestic Setting to Children Aged 9 Years and Under' (document tabled in *Public Hearing*, 20 October 2015).

⁵⁸ A study comparing hospitalisation rates due to dog-related injuries across Australian states and territories between 2000-01 and 2002-03 showed relatively similar rates for all jurisdictions except for the Northern Territory, but noted that there were large confidence levels in many cases, which made interpreting the data difficult (Kreisfeld & Harrison 2005, p.9).

2.5.1 A comparison between Victorian data and other jurisdictions

Studies in other jurisdictions confirm many of the Victorian findings. Work elsewhere has identified that:⁵⁹

- only a small proportion of dog bite injuries receive medical attention (estimates range from 17 to 38 per cent⁶⁰)
- children are at the highest risk of dog bites requiring attention, though some studies have indicated that children under 5 years of age are most at risk (Kreisfeld & Harrison 2005, p.2; Greenhalgh, Cockington & Raftos 1991, p.172; Ozanne-Smith, Ashby & Stathakis 2001, p.322; Chiam et al. 2014, p.792), while others have indicated that children aged 5-9 years are most at risk (Overall & Love 2001, pp.1924-5)
- most dog bites take place in people's homes (including outside areas), rather than public places (Overall & Love 2001, p.1925; Kreisfeld & Harrison 2005, pp.10, 14-15; Reisner et al. 2011, pp.350-1; Hartnett 2011, p.9; Cornelissen & Hopster 2010, p.294; Chiam et al. 2014, p.793; De Keuster, Lamoureux & Kahn 2006, p.484)⁶¹
- people are most likely to be bitten by dogs they are familiar with, especially the family dog (Overall & Love 2001, p.1925; Kreisfeld & Harrison 2005, p.14; Hartnett 2011, p.9; Cornelissen & Hopster 2010, pp.294, 296; Chiam et al. 2014, p.792; De Keuster, Lamoureux & Kahn 2006, p.484).

The numbers vary from one study to another, but, in broad terms, these features of dog attacks are common between Victoria and similar jurisdictions interstate and overseas.

Regarding some other matters, studies elsewhere have found different results:

- some studies have confirmed the Victorian data that children are more likely to be bitten by the family dog than adults (Hartnett 2011, p.9; Chiam et al. 2014, p.793), though other studies have not found that to be the case (Overall & Love 2001, p.1925)
- the Victorian data examined in Section 2.4.1 show an increased risk for older people of hospitalisation due to dog impacts but not dog bites⁶² – studies elsewhere have shown a higher risk for hospitalisations from both causes for older people (Kreisfeld & Harrison 2005, pp.2, 7)

⁵⁹ See also the summaries in Australian Veterinary Association Ltd (Victoria Division), *Submission 499*, 20 August 2015; Ms Linda Watson, *Submission 212*, 14 July 2015.

⁶⁰ Most studies estimate around 20 per cent: Overall & Love 2001, p.1923; Gilchrist et al. 2008, pp.298-9; NSW Division of Local Government 2013, p.6 and quarterly reports available at NSW Office of Local Government, 'NSW Dog Attack Incidents' <www.olg.nsw.gov.au/content/nsw-dog-attack-incidents>, accessed 7 December 2015). In contrast, Hartnett (2011, p.6) found a rate of 30.5 per cent and Cornelissen and Hopster (2010, p.294) found a rate of 38.0 per cent.

⁶¹ Other international research on this point is also cited in Australian Veterinary Association Ltd (Victoria Division), *Submission 499*, 20 August 2015.

⁶² Though a study of Victorian data between 2005 and 2007 *did* show an increased risk for people over 80 of dog-bite injury (Cassell & Ashby 2009, p.5).

- as in Victoria, some studies have found that males are more likely to be bitten, but other studies have found that there is not a significant gender difference (Overall & Love 2001, p.1925; Cassell & Ashby 2009, p.15; Ozanne-Smith, Ashby & Stathakis 2001, p.324; Gilchrist et al. 2008, p.299; Hartnett 2011, p.8; Cornelissen & Hopster 2010, p.293; Ó Súilleabháin 2015, pp.357-8; Chiam et al. 2014, p.792).

2.5.2 Male dogs and dogs that are not de-sexed

The Committee is not aware of any data from Victoria identifying the characteristics of the dogs which attack. However, a number of studies in other jurisdictions have indicated that male dogs and dogs that have not been de-sexed are more likely to attack (Gershman, Sacks & Wright 1994, p.916; Overall & Love 2001, p.1927; Ozanne-Smith, Ashby & Stathakis 2001, p.324; Beaver et al. 2001, p.1733; NSW Division of Local Government 2013, pp.29-33; Sacks, Kresnow & Houston 2000, p.839).⁶³

One review study stated that:

Testosterone acts as a behavior modulator that makes dogs react more intensely. When an intact dog decides to react, it reacts more quickly, with greater intensity, and for a longer period of time. If that dog reacts to a strange person or another dog, it will be quicker to bark, growl, or bite and will continue that behavior longer than would a neutered dog. Castration decreases aggression exhibited toward other dogs; however, few data exist regarding its effect on other specific aggressive behaviors. (Overall & Love 2001, p.1927)

However, Cassell and Ashby (2009, pp.16-17) recommend treating these results with some caution, as some studies have found that female dogs are more likely to bite. As Cassell and Ashby conclude, the data are ‘inconclusive as study results are conflicting.’

In addition, Bruce et al. note:

Dogs that were not desexed were a significant co-occurring factor in dog bite related fatalities, however it is unclear if this is a result of causation (i.e. dogs that are not desexed are more likely to show aggressive behaviours) or correlation (i.e. owners who are less responsible for the behaviours of their dog are less likely to desex them). (Bruce et al. 2015, p.12)

2.5.3 Fatal dog attacks

As noted previously, fatal dog attacks are very rare. The small numbers in Victoria make any meaningful analysis difficult.

⁶³ See also Australian Veterinary Association Ltd (Victoria Division), *Submission 499*, 20 August 2015.

One study of 256 dog-bite-related fatalities in the USA (Patronek et al. 2013), however, suggests that fatal dog attacks may have different characteristics to non-fatal attacks. Regarding the victims and circumstances of fatal attacks, the study found that:

- nearly half (45.3 per cent) of the victims were under five years of age, with a further 13.7 per cent aged between 5 and 9 years of age
- most victims (74.2 per cent) had no relationship with the dog or dogs (in contrast to non-fatal attacks, which more often come from dogs the victims are familiar with – see Section 2.5.1 of this chapter)
- most commonly, the attacks happened on the dog owner’s property (74.2 per cent of cases), though the owner was generally not present at the time of the bite (87.1 per cent of cases)
- 55.9 per cent of victims were unable to interact appropriately with a dog (because they were under five years old, were intoxicated by alcohol or drugs or were suffering from Alzheimer’s disease, dementia or uncontrolled seizures) and a further 21.5 per cent were deemed possibly unable to interact appropriately with a dog
- in 87.1 per cent of cases, no able-bodied adult was near enough to be able to intervene.

The study also identified a number of factors related to the dogs and how they were treated in their normal lives:

- male dogs were significantly more likely to be the attackers, with male dogs involved in 87.5 per cent of cases (approximately one third of those cases involved a combination of male and female dogs)
- 82.8 per cent of attacks exclusively involved dogs that had not been de-sexed (a further 1.6 per cent involved a mixture of de-sexed and intact dogs)
- in 82.0 per cent of cases, the dog lived with other dogs (though not all dogs necessarily participated in the attack) – by way of context, only 37.8 per cent of US homes had more than one dog
- most of the dogs (76.2 per cent) were kept in a way that isolated them from regular, positive human interactions (such as being chained or kept in a fenced area)
- in 21.1 per cent of cases, there was a history of abuse or neglect by the owner, and in 37.5 per cent of cases, there was a history of mismanagement (such as previous bite incidents or allowing the dog(s) to be at large).

The authors of the study noted that several of these factors tended to be present in cases where dogs killed humans:

In the present study, the most striking finding was the co-occurrence of multiple factors potentially under the control of dog owners: isolation of dogs from positive family interaction and other human contact; mismanagement of dogs by owners; abuse or neglect of dogs by owners; dogs left unsupervised with a child or vulnerable adult who may be unfamiliar to the dog; and maintenance of dogs in an environment where they are trapped, neglected, and isolated and have little control over either the

environment or choice of behavior. These conditions potentially predispose dogs to enhanced territorial, protective, and defensive behaviors toward stimuli that occur commonly in everyday life. (Patronek et al. 2013, p.1732)

This research suggests that the factors that characterise fatal dog attacks may differ from the factors characterising non-fatal attacks. The Committee notes that the analysis in this Section is based on one study and that additional research may provide a fuller understanding.

While fatal dog attacks are rare, they are also particularly horrific and their prevention should be a focus for public policy. However, the fact that they may be characterised by different factors to non-fatal attacks means that policy should not *only* be guided by fatal dog attacks. Policy that also considers the circumstances of non-fatal attacks may be better able to reduce the many non-fatal physical and psychological injuries that occur each year as a result of dog attacks.

2.6 Conclusion

There is not sufficient information recorded to identify the total number of dog attacks in Victoria. Statistics are available for hospitalisations and the number of presentations at most emergency departments. However, when looking at the trend over time, it is not clear whether dog bites are becoming an increasing problem in Victoria or not.

The Committee considers that enhancing the information we have about dog attacks in Victoria would be beneficial for future policy development. This is discussed further in Chapter 8 of this report.

The data we have do enable some understanding of the nature of severe dog attacks (that is, ones that lead to emergency department presentations or hospitalisations). Young children are particularly vulnerable to severe injuries from dog attacks and strategies to reduce the risk to children are important. However, many adults also suffer serious injuries from dog attacks and children should not be the only focus for policy.

A significant finding from the data is that most dog injuries come from the family dog or the dogs of friends and relatives. Similarly, most attacks occur in homes rather than public spaces. This is in contrast to some public perceptions. As the Australian Veterinary Association has explained:

While dogs at large are responsible for a minority of dog bites, they attract disproportionate media and political interest. They are the public face of the dog bite problem, and most legislation is designed to control this part of the problem. (Australian Veterinary Association 2012, p.2)

However, the statistics indicate that it is also important for government strategies to tackle dog attacks in homes by known dogs as well as dogs on the street.

Another important finding is that a significant proportion of injuries take place when people are trying to separate fighting dogs. Helping people to reduce the risk of dogs attacking other dogs is therefore another important area where government actions may help to reduce injury rates.

Chapter 4 of this report looks at further issues connected with dog-attack statistics, including which breeds of dog are responsible for attacks and what impact breed-specific legislation has had on dog bite rates.

3

Law and regulation relating to dog control and management

3.1 Introduction

In Australia, all three levels of government are involved in the control and management of dogs. The primary responsibility rests with the states and territories.⁶⁴ The practical administration of dog welfare and control is mostly undertaken by local councils. The Commonwealth Government plays an indirect role in regulating dogs through importation controls.⁶⁵

This chapter examines key aspects of the system of dog control in Victoria. In particular, it looks at the mechanisms that have been put in place to regulate dogs that are dangerous or menacing, or may potentially be so. This includes the restrictions on particular breeds or types of dog.

Whilst the terms of reference for this Inquiry particularly focus on restricted-breed legislation, it is important to discuss this issue in the context of the other ways in which dogs are controlled in Victoria. In particular, it is necessary to examine whether the provisions regulating dangerous dogs that are *not* of a restricted breed are sufficient to address the behaviour of those restricted-breed dogs that pose a threat to society. This will underpin the Committee's recommendations in later chapters of this report.

Almost all Australian jurisdictions have some form of breed-specific dog legislation,⁶⁶ as well as mechanisms to deal with individual dogs that are thought to pose a threat. This chapter briefly looks at the regulatory system for dog control in New South Wales, which has recently been reviewed, with further discussion of the other Australian states and territories in Appendix 4 of this report.

3.2 Commonwealth responsibilities for dog control

The Commonwealth Government plays a relatively minor role in the areas of animal control and animal welfare, particularly in the case of domestic or companion animals. It does, however, have the ability to ban certain dog breeds from being imported into the country.

64 For a discussion of the history of Australian legal controls for the management of dogs, see Duckworth 2009, pp.289ff.

65 The Commonwealth Government also has some responsibility for animal use in research, the quarantine of animals and animals subject to the export trade (Duckworth 2009).

66 With the exception of the Australian Capital Territory and Northern Territory – see discussion in Appendix 4.

Under the *Customs (Prohibited Imports) Regulations 1956*, it is absolutely prohibited to import the following dog breeds into Australia:

- Dogo Argentino
- Fila Brasileiro
- Japanese Tosa
- American Pit Bull or Pit Bull Terrier
- Perro de Presa Canario.⁶⁷

It is also prohibited to publish any advertising matter related to these breeds.

These specific breeds have historically been bred for fighting in some countries over many decades (Seksell 2002, p.6). As such, there is concern that they may have a predisposition towards aggression against other dogs, animals or even humans.⁶⁸

Each state has incorporated this ban on prescribed breeds into its own dog control legislation (see Appendix 4).

3.3 The Victorian *Domestic Animals Act 1994*

The *Domestic Animals Act 1994* (DAA) is the main legislation governing the management of dogs in Victoria. It includes a range of offences relating to dog attacks⁶⁹ and a variety of provisions relating to the control and welfare of dogs.

Of particular relevance to this Inquiry, the DAA includes a number of provisions to deal with dogs that are a threat or are perceived to be a potential threat. This includes breed-specific legislation (BSL) targeting the breeds prohibited from import by the Commonwealth (see Section 3.2 of this chapter), which are referred to as ‘restricted breeds’. The DAA also includes provisions to declare a dog ‘dangerous’ or ‘menacing’, with additional restrictions applying as a result. A number of specific regulations relating to Greyhounds also appear in the DAA.

3.3.1 The role of local councils

Day-to-day enforcement of the DAA, including its restricted-breed provisions, is done through local councils and their authorised officers. Among other things, authorised officers have the power to:

- identify and declare a dog to be a restricted-breed dog⁷⁰
- charge and prosecute the owner of a dog with an offence relating to a dog attack⁷¹

⁶⁷ *Customs (Prohibited Imports) Regulations 1956* Schedule 1, Regulation 3.

⁶⁸ The extent to which this may be the case is discussed in Chapter 4 of this report.

⁶⁹ *Domestic Animals Act 1994* s 29.

⁷⁰ *Domestic Animals Act 1994* s 98A.

⁷¹ *Domestic Animals Act 1994* s 29 in conjunction with s 84Q.

- seize the dog if the owner is found by a court to be guilty of a dog-attack offence⁷²
- destroy dogs found at large in areas of the municipality specified by local law⁷³ or in certain conservation areas.⁷⁴

Further powers of authorised officers are outlined throughout this chapter.

Most of the laws pertaining to dog control apply uniformly throughout Victorian councils. However, councils have some individual leeway in making rules on certain points – for example, whether a municipal park is on- or off-leash, the number of dogs allowed on residential premises, whether dogs are required to be de-sexed and the establishment of dog-free areas.

Domestic Animal Management Plans

Each council is required to prepare a Domestic Animal Management Plan⁷⁵ every four years. Among other things, this plan must outline:

- programs for training authorised officers in dog and cat management
- programs, services and strategies enabling the council to promote and encourage the responsible ownership of dogs and cats
- programs to ensure dog and cat owners comply with the DAA
- programs to minimise the risk of dog attacks on people and other animals
- programs to encourage the registration and identification of cats and dogs
- programs to minimise dogs and cats becoming a nuisance.⁷⁶

Of particular importance in the context of this Inquiry, councils are required to build into their management plans:

- ways of effectively identifying all dangerous, menacing and restricted-breed dogs in their municipalities
- ways to ensure that such dogs are kept in compliance with the DAA.⁷⁷

Domestic Animal Management Plans must be reviewed annually and evaluations of their implementation must be published as part of council's annual reports.⁷⁸ As discussed in Section 8.3 of this report, the Committee considers that there is scope for improvement in this area.

⁷² *Domestic Animals Act 1994* ss 78 & 79.

⁷³ *Domestic Animals Act 1994* s 43.

⁷⁴ *Domestic Animals Act 1994* s 31.

⁷⁵ *Domestic Animals Act 1994* Part 5A.

⁷⁶ *Domestic Animals Act 1994* s 68A.

⁷⁷ *Domestic Animals Act 1994* s 68A(2)(vii).

⁷⁸ *Domestic Animals Act 1994* s 68A(3).

Registration and related matters

One of the key mechanisms that local councils use in dog management is registration, which must be renewed each year. When registering a dog, the owner must declare in their application whether or not it is a restricted-breed dog.⁷⁹ Councils at their discretion may refuse to register dogs and cats that have not been de-sexed.⁸⁰ A council, however, *must* not register a restricted-breed dog that has not been de-sexed.

All dogs that are registered must also have been implanted with a permanent identification device, such as a microchip, unless exempt under the Act.⁸¹ Dangerous, menacing and restricted-breed dogs *cannot* be made exempt from the identification requirements.⁸²

3.3.2 Restricted-breed dogs⁸³

The DAA, following the Commonwealth regulations described above, lists the Japanese Tosa, Fila Brasileiro, Dogo Argentino, Perro de Presa Canario and the American Pit Bull Terrier as restricted-breed dogs.⁸⁴ A dog is considered one of these restricted breeds if it meets the criteria of an approved standard for that breed.⁸⁵ The standard used in Victoria is currently the *Standard for Restricted Breed Dogs in Victoria*. Problems associated with the content and the application of the approved standard are discussed in Section 4.3.2 of this report.

Only an authorised officer of a council has the power to declare that a particular dog is a restricted-breed dog. Such an officer, however, must have completed a course of training on identifying restricted-breed dogs.⁸⁶ The declaration that a dog is a restricted-breed dog has effect throughout Victoria (not only in the municipality for which the authorised officer is employed) and it cannot be overturned without a court order.

A person cannot keep a restricted-breed dog unless it was in Victoria prior to the commencement of the *Domestic Animals Amendment (Dangerous Dogs) Act 2010* and registered prior to the commencement of the *Domestic Animals Amendment (Restricted Breeds) Act 2011*.⁸⁷

In order for a person to keep a restricted-breed dog that meets the criteria, they must:

⁷⁹ *Domestic Animals Act 1994* s 10(3).

⁸⁰ *Domestic Animals Act 1994* s 10A. For a list of exemptions for the de-sexing of dogs, see s 10B.

⁸¹ *Domestic Animals Act 1994* s 10C.

⁸² *Domestic Animals Act 1994* s 10C(6).

⁸³ For a comprehensive history of the issue of restricted breed legislation and the various iterations of laws to address dangerous and restricted breed dogs, see the various speeches in the debates on the Domestic Animals Amendment Bill 2015, particularly the contribution of Hon. Peter Walsh MP (Murray Plains) (*Victorian Parliamentary Debates*, Legislative Assembly, 15 April 2015, pp.1040-5).

⁸⁴ *Domestic Animals Act 1994* s 3.

⁸⁵ *Domestic Animals Act 1994* s 3(3).

⁸⁶ *Domestic Animals Act 1994* s 98A(4).

⁸⁷ *Domestic Animals Act 1994* s 41EA(2).

- keep the dog adequately restrained when on their premises, including within a prescribed enclosure when outside (but still on the premises)⁸⁸
- have warning signs clearly displayed on the property⁸⁹
- ensure the dog is wearing a prescribed collar⁹⁰
- keep the dog under effective control, with a leash and muzzle when off the premises⁹¹
- ensure a minor does not have control of the dog off the property⁹²
- not transfer the dog's ownership⁹³
- have the dog de-sexed.⁹⁴

An authorised officer of a council can seize a dog under certain circumstances if they believe that it is of a restricted breed.⁹⁵ The council can refuse to register the dog. If the dog cannot be registered, and an authorised officer has a reasonable belief that the dog is a restricted breed, the dog can be euthanased.⁹⁶ If the owner of a dog cannot be identified, the council must destroy the dog within eight days of it being seized.⁹⁷ If an owner can be identified, they can appeal the council's decision that the dog is of a restricted breed through the Victorian Civil and Administrative Tribunal (VCAT).⁹⁸ However, during the process, the dog is kept in a shelter, pending determination, at the owner's expense (see Section 3.6.1 of this chapter).

There is currently a moratorium on the euthanasia of dogs solely because they are of a restricted breed (until September 2016).

The Domestic Animals Amendment Act 2014

In 2014, the Government introduced a series of amendments to the DAA regarding restricted-breed dogs with the *Domestic Animals Amendment Act 2014*. These were partly a result of the Coroner's recommendations following the inquest into the death of Ayen Chol in 2011. The Coroner made three recommendations:

1. that Parliament expressly outlaw the breeding of restricted-breed dogs, with criminal sanctions for those who do breed them

⁸⁸ *Domestic Animals Act 1994* s 41G.

⁸⁹ *Domestic Animals Act 1994* s 41H.

⁹⁰ *Domestic Animals Act 1994* s 41HA; details of the prescribed collars are in Domestic Animals Regulations 2015 Regulation 9.

⁹¹ *Domestic Animals Act 1994* s 41I.

⁹² *Domestic Animals Act 1994* s 41L.

⁹³ *Domestic Animals Act 1994* s 41K. Exemptions are made for transfer to relatives and in the case of the owner's death.

⁹⁴ *Domestic Animals Act 1994* s 10A(4).

⁹⁵ *Domestic Animals Act 1994* s 79.

⁹⁶ If the owner or another person has not objected to the restricted-breed dog being declared as such within the relevant time period or if VCAT has affirmed the decision – *Domestic Animals Act 1994* ss 84P & 98.

⁹⁷ *Domestic Animals Act 1994* s 84T.

⁹⁸ *Domestic Animals Act 1994* s 98(2)(b) & (2AA).

2. that veterinarians be required to mandatorily report to regulatory authorities all cases where they have attended or treated a restricted-breed dog (or a suspected restricted-breed dog) where that dog is not registered, neutered or microchipped
3. that, where a dog is suspected of being a restricted-breed dog, the onus of establishing that the dog is not a restricted breed be placed on the owner (rather than the onus being placed on the council to establish that it is a restricted-breed dog).⁹⁹

The first and third recommendations were accepted by the Government and were incorporated into the DAA. With regard to the first recommendation, the Coroner explained that, 'If the Parliament's intention is ultimately to remove this breed of dog from the community, then the most appropriate place to start is the breeding of the dogs'.¹⁰⁰ Under section 41EB of the DAA, it is now an offence for any person, whether or not they are the owner, to breed a restricted-breed dog. The offence is committed if the person deliberately or recklessly allows the breeding. It applies whether or not both dogs are restricted-breed dogs. The offence attracts a maximum penalty of 6 months jail or 60 penalty units (currently \$9,100).

With regard to the third recommendation, noting the difficulties associated with breed identification (see Sections 3.6.1 and 4.3 of this report), the Coroner considered that the administrative and financial burdens on councils would be reduced if the burden of proof were reversed so that the owner needs to establish that the dog is *not* of a restricted breed (rather than the onus being on the council to prove that the dog *is* of a restricted breed). Now, under section 98A of the DAA, if an authorised officer has declared a dog to be a restricted-breed dog, it is presumed in proceedings under the Act (including in VCAT or the Supreme Court) that, in the absence of evidence to the contrary, the dog is a restricted-breed dog. In effect the onus now falls on the owner or controller to prove otherwise.

In its response to the Coroner's second recommendation, the Government indicated that it supported 'the intent of this recommendation' and that it intended to liaise with veterinary bodies on the matter.¹⁰¹ The Coroner noted that the Australian Veterinary Association had opposed the recommendation, believing that such a requirement may result in dogs not been taken in for treatment. However, she felt that the public interest and community safety outweighed such concerns. In her view, mandatory reporting may have resulted in the dog that killed Ayen Chol being reported to the local council and subsequent requirements being put on the owners for containment of the dog.¹⁰² The recommendation has not been implemented by the Government to date.

Other changes introduced with the *Domestic Animals Amendment Act 2014* included:

⁹⁹ Coroners Court of Victoria, *Inquest into the Death of Ayen Chol* [2012] COR 2011 003068.

¹⁰⁰ Coroners Court of Victoria, *Inquest into the Death of Ayen Chol* [2012] COR 2011 003068.

¹⁰¹ Hon. Peter Walsh MP, Minister for Agriculture and Food Security, Response – Inquest into the Death of Ayen Chol, received 14 February 2013.

¹⁰² Coroners Court of Victoria, *Inquest into the Death of Ayen Chol* [2012] COR 2011 003068.

- under certain circumstances, a magistrate can disqualify a person from owning a dog or place conditions on dog ownership, for up to 10 years¹⁰³
- the time for applying to VCAT to review a declaration that a dog is a restricted-breed dog was reduced from 28 to 14 days,¹⁰⁴ to reduce the time the animal is kept in a municipal pound
- if there is a change in the municipality where a dangerous, menacing or restricted-breed dog is kept, owners must now inform both the previous council and the new council within 24 hours of the change¹⁰⁵ to enable the new council to check that the owners have met all their responsibilities for public safety.

3.3.3 Dangerous and menacing dogs

The DAA also provides avenues through which a dog can be subject to additional restrictions based on its behaviour. Essentially these are cases where the restrictions are placed on the dog because of its *deed* rather than its breed. The chief means to deal with such occurrences are ‘dangerous’ or ‘menacing’ dog declarations.¹⁰⁶

Dangerous dogs

A local council may declare a dog *of any breed* to be dangerous if it meets any of the following criteria:

- if it has killed or seriously injured a person or animal by biting or attacking
- if it is a menacing dog¹⁰⁷ and its owner has received at least two infringement notices for not having the dog muzzled or leashed in public
- if it has been declared a dangerous dog under a corresponding law of another state or territory
- if it has repeatedly exhibited certain aggressive behaviours
- ‘for any other reason prescribed’.¹⁰⁸

There are a number of circumstances, however, where an incident cannot be used to declare a dog dangerous (in effect, ‘defences’).¹⁰⁹ These extenuating circumstances include:

- the dog being teased, abused or assaulted
- the injured person or animal trespassing on the dog’s premises

¹⁰³ *Domestic Animals Act 1994* s 84XA.

¹⁰⁴ *Domestic Animals Act 1994* s 98(2A).

¹⁰⁵ *Domestic Animals Act 1994* ss 37, 41D & 41F.

¹⁰⁶ The Act also provides less serious penalties for dogs that are a nuisance (for example, due to excessive barking). See *Domestic Animals Act 1994* s 32.

¹⁰⁷ See discussion below under ‘Menacing dogs’.

¹⁰⁸ *Domestic Animals Act 1994* s 34.

¹⁰⁹ *Domestic Animals Act 1994* s 34(2).

- another person known to the dog being attacked in front of the dog
- the incident occurring as part of a hunt in which the dog was taking part.¹¹⁰

A council must notify the owner of a dangerous-dog declaration, providing the reasons for which the dog was declared dangerous. An owner must also be allowed the opportunity to make written or oral submissions to the council as to why the dog should not be declared dangerous.¹¹¹ The owner has the right to appeal the council's declaration through VCAT within 28 days of the declaration.¹¹²

A dog will *automatically* be considered a dangerous dog (that is, without the standard declaration) if it is either a guard dog of non-residential premises or a dog trained to bite or attack a person.¹¹³

Once a dog has been declared dangerous, it is subject to many of the same restrictions as a restricted-breed dog: it is required to be restrained on its premises so that it cannot escape, warning signs must be displayed, the dog must be identifiable through wearing a prescribed collar and the dog must be muzzled and on a leash when outside the premises.¹¹⁴ A dangerous dog declaration has effect throughout Victoria, despite being issued by a specific council.¹¹⁵ Unlike in some other jurisdictions (such as New South Wales), it cannot be overturned without a court order.¹¹⁶

As noted above, the decision to declare a dog dangerous is made at the council level. As a result, the Knox City Council has argued in its submission to the Inquiry that 'There is no consistent criterion applied across local government authorities as to how and when a Council will declare a dog dangerous.'¹¹⁷

Menacing dogs

Councils can deal with behaviour of a less aggressive nature through a 'menacing dog' declaration. A council may declare a dog to be menacing under any of the following circumstances:

- the dog has rushed at¹¹⁸ or chased a person
- the dog has bitten any person or animal causing non-serious injury
- the dog has been declared a menacing dog under a corresponding law of another state or territory.¹¹⁹

¹¹⁰ *Domestic Animals Act 1994* s 34(2).

¹¹¹ *Domestic Animals Act 1994* ss 35 & 36.

¹¹² *Domestic Animals Act 1994* s 98.

¹¹³ *Domestic Animals Act 1994* s 34A.

¹¹⁴ *Domestic Animals Act 1994* ss 38-40.

¹¹⁵ *Domestic Animals Act 1994* s 34(4).

¹¹⁶ *Domestic Animals Act 1994* s 34(4).

¹¹⁷ Knox City Council, *Submission 216*, 17 July 2015.

¹¹⁸ 'Rush at' means that the dog has approached a person within three metres in a menacing manner. This includes displaying aggressive behaviour such as snarling, growling and raising the hackles. See *Domestic Animals Act 1994* s 3.

¹¹⁹ *Domestic Animals Act 1994* s 41A(1).

Similar to dangerous dogs, a council cannot declare a dog to be menacing if the incident occurred because:

- the dog was being teased, abused or assaulted
- the person was trespassing on the dog's premises
- another person known to the dog was being attacked in front of the dog.¹²⁰

A magistrate can also order a council to declare a dog to be menacing if the owner has been found guilty in court for their dog rushing at or chasing a person.¹²¹

A council may impose conditions of restraint upon a menacing dog, such as muzzling and being on a leash when off its premises.¹²² As stated by the Department of Economic Development, Jobs, Transport and Resources:

Menacing dogs must not be confused with dangerous dogs or restricted breed dogs. A menacing dog declaration is a tool that Council may use in the event that a dog rushes at or chases a person or causes a non serious injury to allow the owner to prove they can be responsible with their dog in the future. This is still considered an attack, as the person has been threatened by the dog. The owner of a declared menacing dog must comply with requirements to prevent the dog from attacking (or causing serious injury) in future.¹²³

A menacing dog declaration can be upgraded to a dangerous dog declaration if the owner has been issued with two infringement notices for failing to comply with requirements such as leashing or muzzling their dog while in public.¹²⁴ Unlike a dangerous dog declaration, however, a menacing dog declaration *can* be revoked by the council.¹²⁵ The Department of Economic Development, Jobs, Transport and Resources states that a council may revoke the declaration 'if the owner takes a course of action to remedy the reasons for the dog rushing at or chasing a person. The course of action must satisfy the council that this incident will not be repeated.'¹²⁶

The owner has the right to appeal a council's declaration of a menacing dog through VCAT within 28 days of the declaration.¹²⁷

There has been some criticism expressed during this Inquiry that there is a lack of flexibility in the application of dangerous and menacing dog declarations. For example, the Knox City Council gave evidence that there are some cases where the behaviour of a dog is such that it may be more than menacing but less than

¹²⁰ *Domestic Animals Act 1994* s 41A(2).

¹²¹ *Domestic Animals Act 1994* s 41A(5).

¹²² *Domestic Animals Act 1994* s 41E.

¹²³ Department of Economic Development, Jobs Transport and Resources, 'Owning a Menacing Dog', <agriculture.vic.gov.au/pets/dogs/dog-attacks-dangerous-and-menacing-dogs/owning-a-menacing-dog>, accessed 17 December 2015.

¹²⁴ *Domestic Animals Act 1994* s 34(1)(b).

¹²⁵ *Domestic Animals Act 1994* s 41A(3).

¹²⁶ Department of Economic Development, Jobs Transport and Resources, 'Owning a Menacing Dog', <agriculture.vic.gov.au/pets/dogs/dog-attacks-dangerous-and-menacing-dogs/owning-a-menacing-dog>, accessed 17 December 2015.

¹²⁷ *Domestic Animals Act 1994* s 98.

dangerous. Yet if action is to be taken, the animal management officer only has these two choices, the latter of which cannot be revoked. The Knox City Council suggests that the DAA provide for some type of enforceable contract with the owner to address their dog's behaviour as a half-way measure:

There is a significant and very large gap between the requirements to be placed on a menacing dog and the requirements to be placed on a dangerous dog, and we found that over a period of time sometimes that gap is very, very broad. 'Menacing' perhaps is insufficient for the nature of the deeds that the dog has done, and yet a dangerous dog declaration is very costly to the owner and it is very restrictive.

Council would be keen if in the review of the act perhaps a proposal could be established in the act where council might be able to bridge that gap by perhaps having as an additional tool the ability to implement an animal management plan for that owner. Perhaps the animal does not need to have a concreted cyclone mesh cage in the backyard, but we need a set of requirements. So for council to have the ability, clearly the act should set out the type of things that council might consider, so that there is consistency across local government, but enable perhaps the opportunity for council to develop an animal management plan. Councils could do that now. Council could determine not to elect to declare a dog dangerous and implement an animal management tool; however, that would not be enforceable under the act. The owner could accept that opportunity that was offered by council, but the moment that opportunity was not followed up on, council has lost its ability to take any further action, perhaps allowing a dangerous dog to be put back into the community. So just another tool that we would be keen if this committee could consider in reviewing the act.¹²⁸

The Australian Veterinary Association has similarly advocated the creation of a 'potentially dangerous dog' category. These suggestions and other proposed changes to council powers to deal with problem dogs are further explored in Section 7.4.3 of this report.

3.3.4 Destruction powers

The DAA includes a number of provisions by which dogs can be destroyed. As detailed below, a dog can be destroyed subsequent to a court order or unilaterally by an authorised officer of a council or an authorised officer of the relevant minister in certain circumstances.

Currently there is a moratorium on the destruction of dogs *solely* because they are of a restricted breed.¹²⁹

Destruction through court order

A dog may be destroyed by order of the Magistrates' Court:

¹²⁸ Mr Steven Dickson, Manager, City Safety and Health, Knox City Council, *Public Hearing*, 21 October 2015.

¹²⁹ *Domestic Animals Amendment Act 2015*.

- where a person is found guilty of *any* of the dog-attack offences listed in section 29 of the DAA¹³⁰
- under certain circumstances when a dog has been seized from an unregistered breeding business¹³¹
- if it is a dangerous or restricted-breed dog and the owner has failed to pay any bonds or costs ordered by the court¹³²
- if it is a dangerous or restricted-breed dog and the owner or person in control of a seized dog has been found guilty of an offence against the DAA in the preceding 10 years¹³³
- where a veterinarian has recommended its destruction for medical or humane reasons.¹³⁴

The court also has a general power to order destruction (or sale) in cases where the owner of a dog is found guilty of a variety of offences, including dog-attack offences, offences relating to keeping restricted-breed and dangerous dogs, being at large under certain circumstances and failure to comply with orders of the court to enclose dogs.¹³⁵

Destruction by authorised officers and councils

An authorised officer appointed by a council or the relevant minister may destroy a dog where:

- the dog is found at large in the vicinity of farming livestock, a designated control or conservation zone, or an area prohibited to dogs by a local law¹³⁶
- the dog is a declared dangerous dog and is found at large within 24 hours of making a record of that fact¹³⁷
- the owner of a dog is entitled to recover the dog after it has been seized but does not recover it within the time specified¹³⁸
- a veterinarian has certified that the dog should be immediately destroyed on medical or humane grounds¹³⁹
- the owner of a seized restricted-breed dog is not able to be identified within eight days of the seizure¹⁴⁰

130 *Domestic Animals Act 1994* s 29(12).

131 *Domestic Animals Act 1994* s 84WB.

132 *Domestic Animals Act 1994* s 84WD.

133 *Domestic Animals Act 1994* s 84WE.

134 *Domestic Animals Act 1994* s 84WF.

135 *Domestic Animals Act 1994* s 84X.

136 *Domestic Animals Act 1994* ss 30, 31 & 43. Under section 30, an owner of livestock may also destroy any dog found at large in the vicinity of their livestock.

137 The dog may not be destroyed, however, if the authorised officer has formed the reasonable belief that the dog was found at large *not* due to the action or omission of the owner (*Domestic Animals Act 1994* s 84TC).

138 *Domestic Animals Act 1994* ss 84O(2) & (3).

139 *Domestic Animals Act 1994* s 84O(4).

140 *Domestic Animals Act 1994* s 84S.

- the authorised officer believes that, at the time of the dog's seizure, the owner of the dog would be guilty of allowing the dog to be at large or in a prohibited area, the dog is unregistered, the owner cannot be identified and the officer reasonably believes that the behaviour of the dog has resulted in an attack or is likely to result in an attack¹⁴¹
- the authorised officer reasonably believes the dog is behaving in such a manner as to result in imminent serious injury or death to a person or other animal.¹⁴²

General powers of destruction (section 84P)

A general power for local councils to destroy dogs is found under section 84P of the DAA. This has been criticised in a number of submissions to this Inquiry (see Section 3.4 of this chapter). A leading concern is that the destruction may take place any time after the dog's seizure. There are also limited provisions for review of such a power and, on occasion, the dog may have been euthanased before a review can be conducted.

Under section 84P, the destruction of a seized dog may take place in any of the following circumstances:

- the dog is a declared dangerous dog or a restricted-breed dog and the council has refused to register it or renew its registration
- the dog is a restricted-breed dog that is not able to be registered
- the dog is a dangerous dog whose owner has been found guilty of an offence relating to the keeping of dangerous dogs
- the dog is a restricted-breed dog whose owner has been found guilty of an offence relating to the keeping of restricted-breed dogs
- the owner or person in control of the dog has been found guilty of certain other offences.

The Barristers Animal Welfare Panel is highly critical of section 84P of the Act. In its submission to the Inquiry, the Panel argues against the practice of local councils using the unilateral provisions of section 84P rather than seeking a magistrate's order. The Panel argues that this substitutes an administrative process for a judicial process. In the Panel's view, the destruction of dogs should always be subsequent to a court order.¹⁴³

In the High Court case of *Isbester v Knox City Council* (decided in June 2015), the reasons for judgement included some interesting *obiter dicta*¹⁴⁴ on the purpose and nature of section 84P:

¹⁴¹ *Domestic Animals Act 1994* s 84TA.

¹⁴² *Domestic Animals Act 1994* s 84TB. In such cases, the destruction of the dog may take place immediately, regardless of whether the dog is registered or the owner is identifiable and there are no review provisions.

¹⁴³ Barristers Animal Welfare Panel, *Submission 502*, 9 December 2015.

¹⁴⁴ *Obiter dicta* are 'by the way' or aside comments delivered in the court's judgement on a particular issue. They are to be distinguished from the *ratio decidendi* or binding reason for the court's judgement. *Obiter dicta* comments are not binding and do not create precedents, although they may be persuasive and followed in later cases.

The discretionary powers of the Council under the Act with respect to dogs are broad, consistently with their protective purpose. The question for the Council, and its delegates, in exercising the power under s 84P(e) involves the safety of the public. Matters relevant to the decision would include a dog's propensity for attacking dogs and persons and whether measures other than destruction could be taken without exposing the public to an unacceptable risk of harm, for example whether the animal could be effectively restrained.¹⁴⁵

This may give some indication as to how councils could interpret their discretionary responsibilities, not only in cases of dog destruction under section 84P but also with regard to the restricted-breed provisions. As one submitter has argued, it indicates there are clearly 'alternatives to destroying an unregistered restricted breed dog (including pens etc.) and at the same time ensuring the community is not put at an unacceptable risk from these dogs'.¹⁴⁶

3.3.5 Greyhounds

The DAA also contains provisions pertaining to the regulation and control of Greyhounds (section 27). As these requirements are specific to Greyhounds, this can be considered an instance of breed-specific legislation, though Greyhounds are not classified as restricted breeds. The Act specifies that a Greyhound in public must be:¹⁴⁷

- (a) muzzled in a manner which is sufficient to prevent it causing injury by biting; and
- (b) under the effective control of some person by means of a chain, cord or leash.¹⁴⁸

The overwhelming majority of the submissions to this Inquiry that concern Greyhounds question the fairness of these restrictions. Many submitters argue that the law is an historical anachronism that dates back to 1884. They argue that the law reflects the fact that greyhounds at that time were only used for racing and not as domestic pets as they are today. In other words, non-racing greyhounds simply did not exist at that time.

An exemption to these restrictions is made for Greyhound adoption dogs who have successfully completed the temperament testing conducted by Greyhound Racing Victoria and obtained 'green collars'. The exemption allows these Greyhounds to go into public places without wearing a muzzle, provided they are wearing their green collar. It is still illegal to let any Greyhound (including ones who have completed the testing) off-leash in a general public area.

¹⁴⁵ *Isbester v Knox City Council* [2015] HCA 20, pp. 8-9.

¹⁴⁶ Mr Steven Morison, Whitehorse City Council, communication to the Committee, received 4 September 2015.

¹⁴⁷ Excluding when it is being raced, coursed or exercised at an appropriate venue, at a dog show or is participating in obedience trials or classes.

¹⁴⁸ *Domestic Animals Act 1994* s 27(1).

A number of submissions to this Inquiry have criticised the way this exemption has been used, particularly on the basis that the temperament testing can only be administered by Greyhound Racing Victoria.

Greyhound issues are discussed in further detail in Chapter 5 of this report.

3.4 Criticisms of the Domestic Animals Act and suggestions for reform

The Committee encountered a number of objections to the DAA as part of this Inquiry. The objections most relevant to this Inquiry relate to the restricted-breed dog category and the requirement that Greyhounds be muzzled in public. These objections are detailed and discussed in further detail in later chapters of this report.

Criticisms were also made of other aspects of the DAA.¹⁴⁹ A number of these are beyond the scope of the current Inquiry but the Committee notes the importance of these issues and recommends that these be considered by the Government as part of a broader review of the DAA.

Criticisms of the DAA include:¹⁵⁰

- The unilateral provisions allowing a council to destroy a dog under section 84P and other parts of the Act. The only right of review a dog owner has for such decisions is to apply to the Supreme Court.
- The fact that *all offences* under section 29 can result in a court making an order for destruction. Theoretically, this could apply to arguably less-serious offences, such as rushing. Similarly, if a person is found guilty of allowing a dog to rush under section 29(7), a council can use this conviction to justify destroying the dog under section 84P *without* a court order. It has been suggested that the powers of a council under section 84P(e) and (f) be removed or at least clarified, so that a rushing offence, without further attack, not be grounds for either a court destruction order or unilateral action by Council.
- Criticism has been levelled at the powers of authorised officers, particularly the subjective nature of the ‘reasonable belief’ test referred to in a number of sections. The Act gives little guidance as to how this test should apply in cases such as determining whether a dog is a restricted-breed dog or whether a dog has the potential to attack and thus should be immediately destroyed.
- There is no consistent or uniform process for councils in declaring dogs to be dangerous, menacing or of a restricted breed or for reviewing decisions. Some councils may do this unilaterally through an authorised officer, others may convene a panel to make a decision. It is suggested that a uniform process for all councils should be formalised through legislation.

¹⁴⁹ The Knox City Council’s submission is particularly comprehensive in its criticisms of the general provisions and operation of the DAA (Knox City Council, *Submission 216*, 17 July 2015).

¹⁵⁰ These criticisms are synthesised from a mixture of policy papers, academic works and submissions to this Inquiry and do not necessarily represent the views of the Committee.

- Some believe that the Act does not allow sufficient time for the rightful guardian of a seized dog to find the dog in a council pound and challenge any actions or proposed actions of the council.
- It has been suggested that there is not a sufficient requirement for councils or their authorised officers to pro-actively attempt to identify or notify a seized dog's guardians (or notify or seek advice from anybody who may be able to act in the interests of the seized dog).
- The definition of serious injury in the Act includes 'laceration'. This can form the basis for a prosecution for dog attack under section 29 or a dangerous-dog declaration under section 34. In some cases, however, a laceration may be of a minor nature. It is suggested that there should be an offence created for relatively minor dog 'attacks' that can be dealt with by infringement notices rather than court proceedings.
- Similarly, the legislation does not differentiate between a dog attack on a person and an attack on another animal. Arguably an attack on another animal is less serious than an attack on a person and the Act might be changed to reflect these differences by creating separate offences.
- There could be greater power for councils to issue infringement notices for relatively minor non-compliance with declared dog requirements. For example, if a dog is not wearing a specified dangerous dog collar, there currently needs to be a prosecution in the Magistrates' Court, but this might be better handled through an infringement notice.
- It has been noted that the Act does not encourage responsible companion animal guardianship by positive measures or incentives.

A common view in the submissions to this Inquiry is that the Act as a whole needs to be rewritten and logically consolidated. The legislation should reflect an overarching dog control plan rather than simply concentrating on 'punitive' provisions. Wellington Shire Council's view, that continual amendments to the Act have caused confusion and uncertainty, is fairly representative of the views of local government.¹⁵¹ The Greater Geelong City Council goes further, stating that the Act is not only complex and confusing but 'one of the "clunkiest" and most difficult pieces of legislation to work to'.¹⁵²

Many of these criticisms have also been raised in the Australian Veterinary Association's *Dangerous Dogs – A Sensible Solution: Policy and Model Legislative Framework*.¹⁵³ This model legislation *does not* include specific provisions with regard to restricted-breed dogs. Rather, a graded series of dog offences based on the seriousness of injury or potential injury covers *all* dog breeds. These include the ability to declare a dog dangerous, potentially dangerous or menacing. The model legislation is attached to the submission of the Australian Veterinary Association¹⁵⁴ and discussed further in Section 9.7.1 of this report.

¹⁵¹ Wellington Shire Council, *Submission 241*, 27 July 2015.

¹⁵² Greater Geelong City Council, *Submission 242*, 23 July 2015.

¹⁵³ This in turn was based to a significant degree on the Humane Society of the USA's *Model Dangerous Dog Legislation*.

¹⁵⁴ Australian Veterinary Association Ltd (Victoria Division), *Submission 499*, 20 August 2015.

The Committee has not formed a view on these issues, as they are outside the terms of reference for this Inquiry. However, the Committee has taken note of the concerns and agrees that it is timely that the Domestic Animals Act be reviewed to see whether it could better meet the needs of both dog owners and the general public.

RECOMMENDATION 1: That the Government review the *Domestic Animals Act 1994*. As part of that review, the Government should consider the concerns noted in Section 3.4 of this report.

3.5 Other legislative provisions

The DAA is not the only law or legislation in Victoria relating to dog attacks. Provisions also exist in the *Crimes Act 1958* and in the common law principle of scienter.

3.5.1 The *Crimes Act 1958*

Amendments to the *Crimes Act 1958* in 2011, following the Ayen Chol case, introduced indictable offences in cases where a person's recklessness or negligence in controlling a dog has resulted in a person's death.

Under section 319B of the Act, if an owner of a dangerous dog, menacing dog or restricted-breed dog fails to keep the dog under control and the dog kills a person, the owner is guilty of an indictable offence and liable to up to 10 years of imprisonment if 'a reasonable person would have realised that that failure [to control the dog] would expose the victim or any other person to an appreciable risk of death'.

Moreover, the same penalty applies to a person who is 'in charge or has care of' a dangerous dog, menacing dog or restricted-breed dog if the same circumstances arise.

Criminal law academic Patrick Leader-Elliot states that these offences go further than any other Australian jurisdiction in the criminalisation of dog owners whose failure to control their prescribed dogs results in death (Leader-Elliot 2013).

Section 319C of the Act provides for a lesser offence where the reckless conduct¹⁵⁵ of the owner (or person in effective control) of a dangerous dog, menacing dog or restricted-breed dog *may* place another person in danger of death.

The court may also disqualify a person from owning or being in charge of a dog for up to 10 years in cases where they have been found guilty of an offence under sections 319B or 319C.¹⁵⁶

¹⁵⁵ Specifically, when a person 'without lawful excuse, recklessly engages in conduct so that the dog is not under control, and that conduct places or may place another person in danger of death'.

¹⁵⁶ The court may also disqualify such a person if they have been found not guilty because of mental impairment (section 319D, *Crimes Act 1958*). For an academic discussion of the implications of the Crimes Act offences, see Leader-Elliot 2013.

3.5.2 The law of scienter

In Victoria, the victim of a dog attack may seek to recover damages from the dog's owner (or a person in control of the dog) through the civil courts using the law of scienter. This is independent of criminal prosecution.

In a scienter action:

... a person who knowingly keeps a dangerous animal is required to prevent it doing harm to a person or the property of another [including other animals] and may be liable for damage or injury inflicted by the animal even in the absence of intentional negligence. (Department of Local Government and Planning (Queensland) 2012)¹⁵⁷

To hold the owner (or keeper) liable, evidence regarding the owner's knowledge of the propensity of the individual animal is required. Once vicious or aggressive tendencies are known, a person will be strictly liable for any injuries without the need to prove any negligence. The reasonableness, or otherwise, of care taken by the person to prevent the injury is irrelevant.¹⁵⁸

To successfully prove a claim based on scienter, the injured person must establish that: the animal had previously committed, or attempted, an act showing the particular trait of viciousness now complained of; and that the keeper knew of the act or the attempted act. The viciousness previously displayed must be of the particular kind which is complained of in the present case.

The onus is on the *injured person* to establish some evidence of knowledge of the animal's vicious propensity by the keeper.¹⁵⁹

3.6 Practical problems with applying the restricted-breed legislation

As part of this Inquiry, a number of submitters and witnesses raised concerns about the application of Victoria's restricted-breed legislation. Arguably the most common complaint made about Victoria's BSL (other than its complexity), particularly from local councils, is that it frequently gives rise to protracted and expensive litigation when a pet owner appeals against a restricted-breed

¹⁵⁷ See also Luntz et al. 2012 for a further discussion of the scienter principle.

¹⁵⁸ This is to be distinguished from an action in common law negligence. In such cases, if someone willingly and knowingly places themselves in a position where harm might result, they cannot then sue anyone if they are actually hurt (or their damages may be reduced because of their contributory negligence). However, in the case of negligence, unlike in cases of scienter, it may not be necessary for a plaintiff to establish past vicious behaviour by the animal in order to succeed. The proof of such a fact however will certainly be evidence that may sustain or strengthen a case of negligent behaviour.

¹⁵⁹ Actions in scienter and other common law actions for civil liability for dog attacks are relatively uncommon. For a recent Victorian case discussing the scienter principle and dog bites generally, see *Johnson v Buchanan* [2012] VSC 195.

declaration.¹⁶⁰ According to many submissions from councils, councils generally lose these appeals at either VCAT or the Supreme Court and incur significant cost in the process.¹⁶¹

In addition, it has been suggested that BSL has led to various negative unintended consequences, which are discussed in Section 3.6.2 of this chapter.

Often accompanying such concerns is a belief that BSL is not effective at reducing injuries from dog attacks. This belief is examined in Section 4.5 of this report.

3.6.1 VCAT appeals

A number of councils informed the Committee that, when appeals are made against council declarations that dogs are restricted-breed dogs, the councils' declarations are regularly overturned. VCAT informed the Committee that there have been 39 cases where VCAT made rulings about restricted-breed declarations between 2011 and 2015.¹⁶² In total, 10 declarations were affirmed and 29 were overturned.¹⁶³

A key reason for the decisions being overturned is the difficulty in definitively identifying a dog as a Pit Bull (see further discussion in Section 4.3 of this report). In relation to breed identification, the courts often give preference to the testimony of veterinarians or animal behaviourists over council officers.¹⁶⁴ For example, in the case of *Kristy Linehan v Hume City Council*, the VCAT Senior Member stated:

In the normal course, where there is a dispute in opinion between a veterinarian and an authorised officer of the Council, VCAT is likely to give greater weight to the veterinarian.¹⁶⁵

Similarly, the peak body representing local government (the Municipal Association of Victoria) claims that:

A practice has developed at VCAT of permitting expert evidence to be given on the issue of whether the dog is a restricted breed dog. A number of veterinarians and breed experts appear to be readily available to assist dog owners by providing

¹⁶⁰ Many court cases internationally have discussed the validity of restricted-breed legislation and whether this type of targeting by breed is appropriate or justifiable. It is beyond the scope of this report to discuss the often-conflicting jurisprudence in this area. For an account of the cases, primarily in the American context, see Kenneth M. Phillips, 'Breed Specific Court Rulings' <dogbitelaw.com/breed-specific-laws/breed-specific-court-rulings>, accessed 20 October 2015.

¹⁶¹ See for example, Golden Plains Shire Council, *Submission 122*, 9 July 2015.

¹⁶² This only includes occasions when VCAT made a ruling and does not include proceedings which were settled prior to a VCAT decision, proceedings that were struck out or proceedings related to other matters. Details about a number of other cases are included as an appendix to the submission of Ms Linda Watson (*Submission 212*, 14 July 2015).

¹⁶³ Committee calculations based on data supplied by VCAT.

¹⁶⁴ Casey City Council, *Submission 120*, 9 July 2015; Golden Plains Shire Council, *Submission 122*, 9 July 2015; Mitchell Shire Council, *Submission 165*, 10 July 2015; Whittlesea City Council, *Submission 184*, 10 July 2015; Municipal Association of Victoria, *Submission 194*, 10 July 2015.

¹⁶⁵ *Linehan v Hume CC (General)* [2012] VCAT 1975 (at para 34).

expert testimony that refutes council authorised officers' assessments of the dog. By contrast, local councils have extensively sought but been unable to retain the services of persons qualified to give expert evidence on this issue.¹⁶⁶

Consequently the courts will often overturn a council decision to remove a dog or declare it a restricted breed.¹⁶⁷

In the process of defending the case, the council may incur significant expenses in legal fees, dog impoundment costs and staff costs. Mr Steven Dickson of Knox City Council informed the Committee that:

... in the most recent case that I mentioned to the High Court [*Isbester v Knox City Council*¹⁶⁸], council could be potentially looking at costs of around \$600 000 for one case, and we have numerous cases. I can tell you multiple councils in our own eastern metropolitan region – Whitehorse, Monash – have all experienced several hundred thousand cases. So if you start bringing this together, we are talking about many, many millions of dollars each year that are being expended on legal matters which, to be honest, are very simple little matters, which we would hope could be able to be resolved through perhaps clarification of the legislation to prevent some of these current gaps and loopholes that allow people to take actions.¹⁶⁹

While the \$600,000 cost is unusually high, even when the costs are less, they may discourage councils from making restricted-breed declarations.

Melton City Council stated that officers are now 'wary' to carry out their responsibilities under the DAA because of the number of court cases that have gone against the council and the great expense involved.¹⁷⁰ The Casey City Council similarly indicated that:

VCAT has a tendency to rule in favour of the dog owner, despite clear evidence of dog breed. The cost for Councils to contest VCAT and Court rulings is prohibitive and acts as a disincentive to pursue this path. A recent example of Casey's experience at VCAT being a disputed 'restricted breed' declaration whereby both parents of the dog in question are declared as restricted breed, however the declaration of the dog in question was overturned as it did not meet the standards set out in the definition. Due to the costs associated with progressing this matter and recent decisions by VCAT and Courts, the ruling by VCAT was not appealed by Council.¹⁷¹

The long appeals process can also have negative consequences for the owners and the dogs. In addition to emotional distress, owners are required to pay for the dog to be looked after by the council during the appeals process. The Committee was informed that this can be prohibitively expensive for some owners.¹⁷² Some

¹⁶⁶ Municipal Association of Victoria, *Submission 194*, 10 July 2015.

¹⁶⁷ For an account of the case law at both VCAT and the Supreme Court of Victoria on BSL, see Municipal Association of Victoria, *Submission 194*, 10 July 2015; Ms Linda Watson, *Submission 212*, 14 July 2015.

¹⁶⁸ This case involved an alleged dog attack rather than a declaration that a dog was of a restricted breed.

¹⁶⁹ Mr Steven Dickson, Manager, City Safety and Health, Knox City Council, *Public Hearing*, 21 October 2015. See also Canine Welfare Alliance of Australia, *Submission 217*, 17 July 2015.

¹⁷⁰ Melton City Council, *Submission 118*, 9 July 2015.

¹⁷¹ Casey City Council, *Submission 120*, 9 July 2015.

¹⁷² Bruce et al. 2015, pp.7, 21; Ms Linda Watson, *Submission 212*, 14 July 2015.

submitters also noted the negative impacts on the dog's mental or physical well-being from confinement in a council facility for a prolonged period.¹⁷³ The Lost Dogs Home advised that:

... [The Lost Dogs Home's] experience is that any dog confined to a shelter for a prolonged period will unduly suffer. This particularly evident when confinement is solitary with no opportunity for experiencing outside environs. The legal process applied should be expedited so that no dog will be confined in a designated shelter for more than 90 days.¹⁷⁴

Other submitters suggested that prolonged confinement may also exacerbate any aggressive tendencies in a dog.¹⁷⁵

3.6.2 Unintended consequences

The American Society for the Prevention of Cruelty to Animals has identified a number of what it considers 'negative and wholly unintended consequences' of BSL:

- **Dogs Suffer.** Rather than give up beloved pets, owners of highly regulated or banned breeds often attempt to avoid detection by restricting their dogs' outdoor exercise and socialization – forgoing licensing, microchipping and proper veterinary care, and avoiding spay/neuter surgery and essential vaccinations. Such actions can have a negative impact on both the mental and physical health of these dogs. In addition, breed-specific laws can create a climate where it is nearly impossible for residents to adopt and live with such a breed – virtually ensuring destruction of otherwise adoptable dogs by shelters and humane societies.
- **Owners Suffer.** Responsible owners of entirely friendly, properly supervised and well-socialized dogs who happen to fall within the regulated breed are required to comply with local breed bans and regulations. This can lead to housing issues, legal fees or even relinquishment of the animal.
- **Public Safety Suffers.** Breed-specific laws have a tendency to compromise rather than enhance public safety. When animal control resources are used to regulate or ban a certain breed, the focus is shifted away from effective enforcement of laws that have the best chances of making communities safer: dog license laws, leash laws, anti-animal fighting laws, anti-tethering laws, laws facilitating spaying and neutering and laws that require all owners to control their dogs, regardless of breed. Additionally, guardians of banned breeds may be deterred from seeking routine veterinary care, which can lead to outbreaks of rabies and other diseases that endanger communities.

Breed-specific laws may also have the **unintended consequence of encouraging irresponsible dog ownership**. As certain breeds are regulated, individuals who exploit aggression in dogs are likely to turn to other, unregulated breeds.

¹⁷³ Stonnington City Council, *Submission 69*, 6 July 2015; Project P.A.W.S. Incorporated, *Submission 167*, 10 July 2015; The Lost Dogs Home, *Submission 187*, 10 July 2015; Northern Grampians Shire Council, *Submission 201*, 10 July 2015; Canine Welfare Alliance of Australia, *Submission 217*, 17 July 2015; Mornington Peninsula Shire Council, *Submission 233*, 9 July 2015.

¹⁷⁴ The Lost Dogs Home, *Submission 187*, 10 July 2015.

¹⁷⁵ Canine Welfare Alliance of Australia, *Submission 217*, 17 July 2015; cf. Australian Veterinary Association 2012, p.13.

Conversely “outlaws” may be attracted to the “outlaw” status of certain breeds. The rise of pit bull ownership among gang members in the late 1980s coincided with the first round of breed-specific legislation.¹⁷⁶

A Task Force on Canine Aggression and Human-Canine Interactions set up by the American Veterinary Medical Association expressed concerns that BSL can lead to a false sense of accomplishment and may result in ignoring the full scope of the dog-bite problem (Beaver et al. 2001, p.1733).¹⁷⁷

Similar concerns about unintended consequences were expressed in submissions to this Inquiry. Bruce et al., in a paper that was provided by a number of submitters, argued that:

The enactment of breed specific legislation can create a false sense of security in the general population when it comes to risk factors surrounding dogs and dog aggression. The inference in the enactment of these laws is that aggression in dogs is breed or appearance based, which provides a dangerous message to the populace that dogs that do not fit the physical descriptor for a restricted dog are low risk or ‘can be trusted’. This can result in members of the public placing themselves, their children or their animals in high-risk situations under the assumption that a dog must be ‘safe’ due to its appearance.

There are also unintended consequences to these laws that are entirely counterproductive to the goal of improving community safety. Such laws deter people from taking their dogs to the vet or to dog training and socialisation classes, both of which are important sources of education for inexperienced dog owners as to the proper care and management of their dog.

They also result in owners not registering their pets to avoid detection, resulting in less funding for animal management departments and issues with compliance rates in local government areas. (Bruce et al. 2015, pp. 9-10)

Ms Linda Watson also argues that BSL removes responsibility for dog biting incidents from dog owners and places the focus on dogs:

It may also engender a false and dangerous perception that breeds not included in particular regulations will not be associated with risk of biting. A fundamental principle of injury prevention is that the most effective solutions involve a multi-dimensional approach (Ozanne-Smith and Williams, 1995), which in the instance of dog bite injury would involve dog owners, parents, children, the community at large, local authorities and legislators.¹⁷⁸

She also noted the concern that BSL:

... could give people a false sense of security and result in dog owners acquiring a dog and failing to recognise the scope of their responsibilities to the community in the context of the potential danger the dog may pose.¹⁷⁹

¹⁷⁶ American Society for the Prevention of Cruelty to Animals, ‘Breed-Specific Legislation’ <www.aspc.org/animal-cruelty/dog-fighting/breed-specific-legislation>, accessed 7 December 2015. Similar arguments have been put forward by the Australian Veterinary Association, RSPCA, Animal Welfare League of Australia, Australian Institute of Animal Management and other animal welfare bodies.

¹⁷⁷ Noted by Ms Linda Watson, *Submission 212*, 14 July 2015.

¹⁷⁸ Ms Linda Watson, *Submission 212*, 14 July 2015.

¹⁷⁹ Ms Linda Watson, *Submission 212*, 14 July 2015.

Other criticisms relate to the fact that BSL may contribute to an arguably ‘unnecessary public fear of a particular breed’.¹⁸⁰

Finally, the American Society for the Prevention of Cruelty to Animals argues that an unintended consequence of BSL is that resources are necessarily shifted away from more effective programs to reduce dog attacks. In its position paper on BSL, the Society states:

Perhaps the most harmful unintended consequence of breed-specific laws is their tendency to compromise rather than enhance public safety... if limited animal control resources are used to regulate or ban a certain breed of dog, the focus is shifted away from routine, effective enforcement of laws that have the best chance of making communities safer: dog license laws, leash laws, animal fighting laws, anti-tethering laws, laws facilitating animal sterilization and laws that require guardians of all dog breeds to control their pets.¹⁸¹

The Committee notes in this context that some councils have dedicated significant resources to VCAT appeals regarding restricted-breed dogs (see Section 3.6.1 of this chapter).

3.7 Is restricted-breed legislation superfluous?

In terms of the legislation, some participants in this Inquiry have suggested that the existence of the *dangerous* dog powers under the Act, alongside the fairly expansive powers allowing the destruction of a dog as outlined above (see Sections 3.3.3-4 of this chapter) renders the need for restricted-breed provisions unnecessary. In other words, in cases where a Pit Bull has caused injury or behaved in a threatening way, that dog may be dealt with as a dangerous or menacing dog. As this can include many of the same restrictions, and even destruction, it could be argued that councils have the tools they need to address threats to the community without BSL.¹⁸²

Similarly, as was stated in the debate on the moratorium on restricted-breed dog destruction:

The act provides a number of pathways for the destruction of dogs. Some apply only to restricted breed dogs, some apply only to restricted dogs and dangerous dogs and some apply to all dogs. Most provisions of the Act under which a restricted breed dog may be destroyed provide for destruction on grounds which are either unrelated to or in addition to the dog’s status as a restricted breed dog... [The moratorium] will not change the requirements or enforcement of provisions in relation to dangerous dogs. The public can rest assured that the community is safe whilst a thorough review of the legislation is underway.¹⁸³

¹⁸⁰ Ms Jo Haythornthwaite, *Submission 94*, 7 July 2015.

¹⁸¹ American Society for the Prevention of Cruelty to Animals, ‘Position Statement on Breed-Specific Legislation’ <www.aspc.org/about-us/aspc-policy-and-position-statements/position-statement-breed-specific-legislation>, accessed 20 December 2015.

¹⁸² Cf. Ms Shatha Hamade, Legal Counsel, Animals Australia, *Public Hearing*, 18 November 2015.

¹⁸³ Hon. Jaala Pulford MLC, Minister for Agriculture, *Victorian Parliamentary Debates*, Legislative Council, 16 April 2015, p.1067.

The Committee notes the extensive powers for restricting dangerous and menacing dogs to improve public safety. The argument justifying BSL in this context is that there are benefits to pre-emptively restricting dogs of certain breeds *before* they show any signs of aggressiveness. This, it is thought, may help prevent the situation where a dog's first aggressive incident is to severely injure or kill somebody.

However, this relies on authorities being able to identify which breeds are more dangerous and which dogs are members of those breeds. As discussed in Chapter 4 of this report, this is more difficult than it might seem.

3.8 Other state and territory legislation

Dog control and management varies across states and territories in Australia. The common thread is the need to have a regulatory and policy system that balances the positive aspects of dog ownership and companionship with the need to ensure responsible dog ownership and to protect the safety of the public. These are not necessarily easy objectives to reconcile.

Most states and territories have enacted legislative provisions to address dangerous and menacing dogs, and most have restrictions applying to specific breeds or types.¹⁸⁴ As in Victoria, most states also have provisions stipulating that Greyhounds must be muzzled in public unless they are exempted by an approved adoption program.¹⁸⁵

Summaries of the other jurisdictions' legislation can be seen in Tables 3.1 and 3.2. Table 3.1 outlines key differences between the provisions for dangerous and restricted-breed dogs across Australia. Table 3.2 outlines the various restrictions applying to restricted-breed dogs in the different jurisdictions. Appendix 4 provides a more detailed overview of the legislation in each jurisdiction.

¹⁸⁴ With the exception of the Northern Territory and Australian Capital Territory.

¹⁸⁵ See:

- *Companion Animals Act 1998* (NSW) s 15. The NSW *Greenhounds Program* operates in a similar way to the GAP in Victoria.
- *Domestic Animals Act 2000* (ACT) s 48.
- *Animal Management (Cats and Dogs) Act 2008* (Qld) s 197. Note that, in Queensland, local councils determine whether ex-racing Greyhounds must be muzzled in public.
- *Dog Control Act 2000* (Tasmania) s 18.
- *Dog and Cat Management Act 1995* (SA) s 45C.
- *Dog Act 1976* (WA) s 33. Greyhounds in WA are exempt from wearing muzzles in public when they have successfully completed an approved training program.

Table 3.1

Interstate comparison of provisions for restricted-breed and dangerous dogs

	Victoria	New South Wales	Queensland	South Australia	Tasmania	Western Australia	ACT	Northern Territory
Legislation	<i>Domestic Animals Act 1994</i>	<i>Companion Animals Act 1998</i>	<i>Animal Management (Cats and Dogs) Act 2008</i>	<i>Dog and Cat Management Act 1995</i>	<i>Dog Control Act 2000</i>	<i>Dog Act 1976</i>	<i>Domestic Animals Act 2000</i>	<i>Summary Offences Act and council by-laws</i>
Are there breed-specific provisions?	Yes	Yes	Yes	Yes	Yes	Yes	No	Determined by local councils
How many categories of regulated dogs are there?	3 Restricted-breed Dangerous Menacing	4 Restricted Dangerous Menacing Nuisance	3 Restricted Dangerous Menacing	8 Prescribed ^(d) Dangerous Menacing Nuisance Barking Attack trained Patrol dog Guard dog	2 Restricted-breed Dangerous	3 Restricted-breed Dangerous Commercial security dog	3 Dangerous Harassing Nuisance	Determined by local councils
Who declares dogs to be of restricted breeds?	Authorised officer of council	Authorised officer of council	Authorised officer of council	N/A ^(b)	Various ^(c)	N/A ^(b)	N/A	N/A
Where are appeals against restricted-breed dog declaration decisions made?	VCAT	None ^(d)	Review of decision by local council; appeal to Queensland Civil and Administrative Tribunal	N/A ^(b)	Magistrates Court	N/A ^{(b)(e)}	N/A	N/A
Who has the onus of proof for restricted-breed dog declarations?	Owner or controller	Owner ^(f)	Not specifically addressed in act	Owner	Owner	Owner or person lodging appeal	N/A	N/A
(a)	In effect, the same as restricted breed (see Appendix 4).							
(b)	Prescribed or restricted-breed dogs are not declared as such in these states. If a person is charged with an offence relating to a prescribed breed, the court may decide whether the dog is of the prescribed or restricted breed.							
(c)	Police officer, general manager of a local council, a person appointed by a general manager, a ranger or a bailiff of Crown lands.							
(d)	There is no appeal or review option once a declaration has been made. However, before finally declaring a dog to be of a restricted breed, a 'notice of intention' must be given to the owner. The owner then has 28 days to obtain a certificate from an approved breed assessor stating that the dog is not a restricted-breed dog. If the owner obtains a certificate, the council must withdraw its intention.							
(e)	Where a dog has been seized because it is believed to be of a restricted breed, the owner can have the decision reviewed by the council and the State Administrative Tribunal.							
(f)	Before declaring a dog to be a restricted dog, the council must issue a 'notice of intention'. The owner has 28 days from when this is issued to provide evidence from a registered assessor that the dog is not of a restricted breed. If such an assessment is produced, the dog cannot be declared a restricted dog. If the owner fails to produce this, the council can declare the dog restricted.							
	Source: Economy and Infrastructure Committee.							

Table 3.2 Interstate comparison of provisions for restricted-breed and dangerous dogs

	Victoria	New South Wales	Queensland	South Australia	Tasmania	Western Australia	ACT	Northern Territory
Legislation	<i>Domestic Animals Act 1994</i>	<i>Companion Animals Act 1998</i>	<i>Animal Management (Cats and Dogs) Act 2008</i>	<i>Dog and Cat Management Act 1995</i>	<i>Dog Control Act 2000</i>	<i>Dog Act 1976</i>	<i>Domestic Animals Act 2000</i>	<i>Summary Offences Act and council by-laws</i>
Are there breed-specific provisions?	Yes	Yes	Yes	Yes	Yes	Yes	No	Determined by local councils
Restricted-breed dogs require:								
• Secure restraint when on premises	Yes	Yes	Yes	No	Yes	Yes		
• Muzzle and leash off premises	Yes	Yes	Yes	Yes	Yes	Yes		
• Warning signs	Yes	Yes	Yes	No	Yes	Yes		
• Prescribed collar	Yes	Yes	No ^(a)	No	Yes	Yes		
• Dog be de-sexed	Yes	Yes	Yes	Yes	Yes	Yes		
• Owners permit	No	No	Yes	No	No	No		
Restricted-breed dogs – further constraints:								
• Allowed to sell or transfer dog	No (some exemptions)	No	No (some exemptions)	No	Yes (with approval from local council)	No (some exemptions)		
• Prohibition on minor in charge of dog ^(b)	Yes	Yes	Yes	No ^(c)	Yes	Yes		
• Greyhounds required to be muzzled and leashed	Yes	Yes	If local laws require it	Yes	Yes	Yes	Yes	Subject to Greyhound Racing Rules and local council bylaws

(a) However, a restricted dog must wear a specified tag including the words 'regulated dog'.

(b) In some jurisdictions, this only applies when the dog is in public. In other jurisdictions, this applies at all times.

(c) Although a minor is not prohibited from being in charge of a prescribed dog (that is, a restricted-breed dog), the occupier of the premises in which a dog lives is held responsible for any offences committed by the dog if the person in charge of the dog at the time of the offence is under 16 years of age.

Source: Economy and Infrastructure Committee.

Several states have held inquiries into dog legislation and dog control in recent years. These have included the:

- Review of the Regulated Dog Provisions of the Animal Management (Dogs and Cats) Act 2008 – Queensland (2012)
- Companion Animals Taskforce on the Management of Dangerous Dogs – New South Wales (2013)
- Inquiry into Proposed Changes to the Dog and Cat Management Act – South Australia (ongoing).

Many of the recommendations emanating from these reviews and inquiries have been enacted in the legislation discussed in Appendix 4. New South Wales has had the most recent overhaul to its dog control legislation subsequent to a government-appointed review. The key features of that review and the resultant changes to the parent act are discussed below.

3.8.1 New South Wales

In addition to many similarities, there are some important differences between New South Wales' *Companion Animals Act 1998* (as amended) and Victoria's DAA. The legislation in New South Wales includes:

- the ability for councils to revoke a dangerous or menacing dog declaration after 12 months¹⁸⁶
- a framework that more clearly differentiates between different levels of dog attack, so that less severe measures are used in cases of less serious or minor incidents¹⁸⁷
- a separate category of 'nuisance dogs' in addition to dangerous and menacing dog categories¹⁸⁸
- destruction orders can be issued by the court, but only in circumstances where the court is satisfied that the making of a control order, or an order permanently removing the dog from its owner, will not be sufficient to protect the public from any threat posed by the dog¹⁸⁹
- the ability of an owner to contest a restricted-breed dog declaration by obtaining a certificate confirming that the dog is not of a restricted breed or cross-breed of a restricted breed from an approved breed assessor¹⁹⁰
- where a dog is assessed as a cross-breed of a restricted breed, the owner can obtain a certificate from an approved temperament assessor stating that the dog does not pose a threat to the community or is not likely, without provocation, to bite any person or animal.¹⁹¹

¹⁸⁶ *Companion Animals Act 1998* (NSW) s 39.

¹⁸⁷ *Companion Animals Act 1998* (NSW) s 16.

¹⁸⁸ *Companion Animals Act 1998* (NSW) s 32A. Although dogs are not declared 'nuisance dogs' in Victoria, their owners can be penalised for nuisance behaviour (*Domestic Animals Act 1994* (Vic) s 32).

¹⁸⁹ *Companion Animals Act 1998* (NSW) s 48; this does not generally apply if the dog has caused the serious injury or death of a person.

¹⁹⁰ *Companion Animals Act 1998* (NSW) s 58C.

¹⁹¹ *Companion Animals Act 1998* (NSW) s 58C(2)(b).

The *Companion Animals Taskforce Review* also made some important recommendations that have been supported by the New South Wales Government. In particular, noting that people can and do move between municipalities and even interstate to prevent their dogs from being taken into custody, recommendations were made to:

- develop a memorandum of understanding between police, councils, animal welfare organisations and state government agencies to standardise information-sharing protocols in relation to dangerous and potentially dangerous dogs
- request that the Commonwealth Attorney-General establish a cross-jurisdictional working group to develop a national dog attack and dangerous dog database.¹⁹²

These are further discussed in Sections 7.5 and 8.4 of this report.

The Taskforce also recommended that information about irresponsible owners who have been disqualified from owning or controlling a dog be more easily disseminated between agencies and local councils, including the creation of a database of disqualified owners at the state level.¹⁹³ This was supported in principle by the New South Wales Government.¹⁹⁴

3.9 Conclusion

Victoria has a number of legislative provisions to deal with dogs that are perceived to be dangerous or potentially dangerous. These include:

- a range of restrictions on specific breeds considered to be a threat (primarily Pit Bulls)
- muzzling and leash requirements for Greyhounds
- the ability for local councils to declare dogs to be ‘dangerous’ or ‘menacing’, with varying restrictions applying as a result
- general powers of destruction by order of the Magistrates’ Court, authorised officers of local councils or authorised officers of the relevant minister.

In relation to the restricted-breed provisions, a number of problems have been identified with the implementation of the legislation. In particular, VCAT decisions regularly overturn council officers’ declarations that a dog is of a restricted breed. Some councils have incurred significant expenses in defending cases and some have become reluctant to make restricted-breed declarations as a result. This represents a major problem for the current regulatory framework.

Other problems with the DAA have also been identified and the Committee considers that a broad review of the DAA would be timely.

¹⁹² NSW Companion Animals Taskforce 2013.

¹⁹³ NSW Companion Animals Taskforce 2013, Recommendation 2.4.

¹⁹⁴ NSW Government, ‘Government Response to Companion Animals Taskforce Recommendations’.

The Committee was also informed that the restricted-breed provisions may have a number of negative unintended consequences. These include people compromising the physical or mental health of a dog in order to avoid detection and providing the community with a false sense of security. It was also argued that BSL may come at the cost of more effective means of preventing dog attacks, as resources devoted to identifying breeds cannot be used in other activities.

Some have suggested that the restricted-breed provisions are unnecessary in Victoria, as the dangerous and menacing dog provisions can be used to deal with any dogs of the restricted breeds that pose a threat. The basis for pre-emptively targeting particular breeds, and whether or not it has been an effective approach, are discussed in Chapter 4 of this report.

A comparison with other Australian jurisdictions shows a lot of similarities. However, the Committee notes that New South Wales has a number of provisions which are not in Victoria's legislation, some of which may be worth adopting.

Proposed legislative changes for Victoria are detailed in Chapter 9.

4 Dog breeds, breed identification and dog aggression

4.1 Introduction

As discussed in Chapter 1 of this report, the rationale for breed-specific legislation (BSL) rests on two key premises:

- that the breed of a dog can be identified
- that certain breeds of dog are more likely to attack or harm people.

However, there are reasons to question both of these assumptions. The Australian Veterinary Association's view is that:

- Firstly, breed on its own is not an effective indicator or predictor of aggression in dogs
- Secondly, it is not possible to precisely determine the breed of the types of dogs targeted by breed-specific legislation by appearance or by DNA analysis.
- Finally, breed-specific legislation ignores the human element whereby dog owners who desire this kind of dog will simply substitute another breed of dog of similar size, strength and perception of aggressive tendencies, ie. Large, intimidating barking dogs.¹⁹⁵

This chapter examines the evidence regarding these and related matters, finding that many of the issues in this area are complex and a source of dispute between experts.

The chapter begins with a brief examination of what is meant by a 'breed'. This seemingly simple proposition turns out to be far from clear.

It then looks at how authorities can identify which dogs are restricted-breed dogs (specifically Pit Bulls). Serious concerns about both visual and genetic methods of identifying Pit Bulls have been raised as part of this Inquiry. It appears that definitively identifying a dog as a Pit Bull is challenging. This is clearly seen from the rulings by the Victorian Civil and Administrative Tribunal (VCAT). In the majority of cases where VCAT has made rulings on whether or not a dog is a Pit Bull, VCAT has ruled against the council officers, even though council officers are the people given the responsibility for identifying restricted-breed dogs by the legislation (see Section 3.6.1 of this report).

¹⁹⁵ Australian Veterinary Association Ltd (Victoria Division), *Submission 499*, 20 August 2015.

This chapter examines the evidence relating to the causes of dog aggression and injury from dog attacks. The significance of genetics, particularly breed, is complex and contested. The Committee's conclusion is that it is not clear from research to date whether or not Pit Bulls pose a greater risk than other breeds, as the studies in this area are contradictory and the evidence bases are problematic.

Ultimately, an important indicator of whether targeting particular breeds is an appropriate policy is whether or not it has been an effective means of reducing the harm from dog attacks. BSL has been introduced in multiple jurisdictions around the world, with evaluations conducted in several of these places. A number of peak bodies consider that the evidence from these places indicates that BSL is not effective. This chapter includes an examination of the evidence, with the Committee finding that it is not currently possible to determine whether or not BSL has increased public safety.

Finally, this chapter notes the key role that owners can play in creating aggressive dogs, either deliberately or inadvertently. This leads to the concern, as noted by the Australian Veterinary Association, that banning particular breeds of dog may not reduce dog attacks, as owners wanting aggressive dogs may simply turn to a different breed.

4.2 What is a dog's breed?

The issue of what is meant by a dog's breed is complicated. In everyday speech, 'breed' can simply refer to the 'common sense' recognition of a dog based on its appearance, such as the sausage shape of the Dachshund or the distinctive look of a Poodle. However, in other contexts, breed is more precisely defined.

In the dog-showing context, breed consists of rules that establish a dog's pedigree. According to the US National Canine Research Council, 'pure bred dogs' are members of a gene pool closed for many generations with documented pedigree records – 'a dog whose sire and dam belong to the same breed and who are themselves of unmixed descent since recognition of the breed' (National Canine Research Council 2011, p.20, quoting the American Kennel Club's definition).

From a scientific perspective, breed is more complex and the definition of a breed is disputed (Mehrkam & Wynne 2014, p.13). In biological terms, dog breeds are groups of individual types that strongly resemble one another based on characteristics distinguishable from other groups (Mehrkam & Wynne 2014, p.13, citing Brewer, Terence & Phillips 2002). Mehrkam and Wynne, noting that the origin of breeds is '...a subject of considerable debate', state:

Over 1000 distinct dog breeds are in existence today, and of these, approximately 20% are recognized by various national and international kennel clubs. *Canis lupus familiaris* is a subspecies that exhibits extraordinary variation in morphological phenotype [set of physical characteristics]; it is assumed that breeds therefore differ widely in their behavioural phenotypes [sets of behavioural characteristics] as well. (Mehrkam & Wynne 2014, p.13)

Disagreements about how to define breed are not merely academic; they become practical issues when determining the links (if any) between particular breeds and aggressive behaviour. They also give rise to difficulties in identifying particular dogs as part of a breed for the purpose of breed-specific legislation.¹⁹⁶

4.3 Identification problems

A key issue in applying restricted-breed legislation concerns how the people responsible for identifying restricted-breed dogs (usually local councils animal management officers) can identify them with any confidence. In Victoria, there are five restricted breeds (see Section 3.3.2 of this report), though the Pit Bull is the only one believed to actually be present in the State. The key question is therefore: what tools can be used to identify a Pit Bull?

There are three potential ways to identify a dog's breed:

- its pedigree
- its appearance
- its DNA.¹⁹⁷

However, there are major problems with each of these methods when it comes to Pit Bulls.¹⁹⁸

4.3.1 Pedigree

Pedigree is not an option for identifying Pit Bulls in Australia. The Pit Bull or American Pit Bull Terrier is not an officially recognised breed of the Australian National Kennel Council, the country's peak dog breeding organisation.¹⁹⁹ There is therefore no official association tracking Pit Bull pedigrees.

However, pedigree is used as a way to identify that certain dogs are not Pit Bulls. For instance, a dog with a pedigree certificate indicating that it is an American Staffordshire Terrier cannot be classified as a Pit Bull in Victoria (Department of Environment and Primary Industries 2014, p.2).

¹⁹⁶ For further discussion on the history and origins of dog breeds, see (for example) Mehrkam & Wynne 2014 and Svartberg 2006 and the references therein.

¹⁹⁷ The Veterinary Institute for Animal Ethics, *Submission 166*, 10 July 2015.

¹⁹⁸ For a case in Victoria that illustrates the complexity of deciding whether a dog fits within the prescribed Standard, see *Brown v Casey CC (General)* [2012] VCAT 887. Defining a 'Pit Bull' has also proven to be a 'formidable legal hurdle' in American courts. The fact that different courts in different states of the USA have used varying definitions and applied these definitions in conflicting ways only adds to the confusion.

Disagreements have also arisen as to whether or not the American Staffordshire Terrier is distinct from the Pit Bull. The *Standard for Restricted Breed Dogs in Victoria* explicitly excludes American Staffordshire Terriers from the definition of a Pit Bull (Department of Environment and Primary Industries 2014, p.2). In 2010, the Supreme Court of Queensland ruled that American Staffordshire Terriers are Pit Bulls, but the Parliament subsequently introduced legislation to specify that the two breeds were distinct (see *Kylie Louise Chivers v Gold Coast City Council* [2010] QSC 98, p.10 and the *Building and Other Legislation Amendment Act (No. 2) 2010* (Qld) s 7), amending *Animal Management (Cats and Dogs) Act 2008* s 63A.

¹⁹⁹ Ms Terri MacDonald, DOGS Victoria, *Public Hearing*, 10 November 2015.

4.3.2 Visual identification

Currently the Standard for Restricted Breed Dogs in Victoria, gazetted in January 2014, provides councils with an illustrated document containing criteria for identifying restricted-breed dogs based on their appearance. This is the latest of multiple iterations of standards or guidelines for the identification of restricted-breed dogs. The Standard details all of the breeds that are restricted in Victoria but primarily focuses on the American Pit Bull Terrier.

For the purposes of the Domestic Animals Act, a dog that meets the criteria in the Standard is a restricted-breed dog.²⁰⁰ The Standard is intended to assist authorised officers in identifying restricted-breed dogs. In determining that a dog is of a restricted breed, authorised officers are also supposed to have completed an approved training course on identifying restricted-breed dogs.²⁰¹

Is the Standard clear?

Particular criticism has been made of the criteria for American Pit Bull Terriers under the Standard. These, it is claimed, 'are based on vague aesthetic descriptions, so are very subjective.'²⁰²

The Canine Welfare Alliance of Australia states:

The danger with having such [a] vague standard is that many dogs with unknown parentage can fall into the category of the approved standard and be declared a restricted breed for the purpose of the Domestic Animal Act 1994. Even trained animal management officer's struggle with identification of breeds and rates of correct identification of mix breed dogs can be as low as 25%. In our experience many owners are unable to correctly identify their dog's parentage, even when they have sighted both parents and quite commonly misidentify their dogs as American Pit Bull Terriers. Common breeds of dogs that are often mistaken for being American Pit Bull Terriers are the Staffordshire Bull Terrier, Bull Terrier, American Bulldog and American Staffordshire Terrier, and are often lumped into this category of being a Pit Bull Terrier, by unsuspecting dog owners. It is similarly impossible to identify parentage of cross breed dogs based on visual appearance alone. At best, identifying parentage of cross breed dogs which have been backyard-bred is a guess, unless DNA testing (which itself is not 100% accurate) is undertaken.²⁰³

Similarly, the Australian Veterinary Association claims:

Assessing whether or not a dog is a restricted breed according to the standard is impossible and open to broad interpretation. There is no definitive or scientific process to achieve this – there is no genetic testing and no phenotype test. There is enormous variability of breeds. Breeds such as Bull Arab, Bull Mastiff, English bull terrier, American Staffordshire, English Staffordshire and those that are crossbred partially with these breeds have characteristics that could suggest compliance with

²⁰⁰ *Domestic Animals Act 1994* s 3(3).

²⁰¹ *Domestic Animals Act 1994* s 98A(4).

²⁰² Dr Belinda Oppenheimer, *Submission 15*, 21 June 2015.

²⁰³ Canine Welfare Alliance of Australia, *Submission 217*, 17 July 2015.

parts of the standard for restricted breed dogs. Differing opinions by veterinarians, authorised council officers and dog judges have led to over fifty hearings at the Victorian Civil and Administrative Tribunal (VCAT) and in the courts. Members of VCAT and judges of the courts that have presided over these hearings have also been perplexed by the complexity and interpretations of the standard and have enormous difficulties arriving at decisions and verdicts pertaining to whether or not a dog is declared a restricted breed.²⁰⁴

Some advocates of BSL bans have claimed that too much is made of the difficulties associated with identification, particularly in cases where a dog has caused significant injury. For example, the former Attorney General of Ontario, Canada, in debates on banning Pit Bulls in that province stated:

I've said before and I will say again, if it walks like a pit bull, if it barks and bites like a pit bull, wags its tail like a pit bull, it's a pit bull. That is going to apply, I'm sure, to the vast majority of identification cases.²⁰⁵

In practice, though, VCAT has regularly overturned local council officers' identification of dogs as Pit Bulls (see Section 3.6.1 of this report). This suggests that identifying Pit Bulls is not so straight-forward.

Can breed be accurately assessed visually?

It has been argued that visual identification is generally not a reliable way of identifying breeds. Bradley (2011, p.5) notes that even experienced dog trainers, veterinarians and other experts cannot reliably identify a breed based on appearance alone except in some cases of the most popular and physically distinct breeds.

The task of visually identifying a particular dog breed becomes even more difficult with mixed-breed dogs.²⁰⁶ It has been estimated that over 40 per cent of Australian dogs are cross-breeds (Seksell 2002, p.6).

Several studies have highlighted the difficulties in determining breed based on appearance.

One study of 470 staff and volunteers working in shelters in the USA and UK found that there were significant disagreements between these people about the breed of 20 dogs that they were shown pictures of (Hoffman et al. 2014). These dogs were of various bull breeds (including Pit Bulls) or were cross-breeds of bulls. For all 20 dogs at least one person classified the dog as a Pit Bull, but for none of the 20 did all participants classify the dog as a Pit Bull. The highest level of agreement on a particular dog being a Pit Bull was 386 of the 470 participants.²⁰⁷

²⁰⁴ Australian Veterinary Association Ltd (Victoria Division), *Submission 499*, 20 August 2015.

²⁰⁵ Ontario, Legislative Assembly, *Official Report of Debates (Hansard)*, 38th Parl, 1st Sess, No 84 (4 November 2004) at 4048 (Hon. Michael Bryant).

²⁰⁶ Canine Welfare Alliance of Australia, *Submission 217*, 17 July 2015.

²⁰⁷ Committee calculations based on Hoffman et al. 2014, p.331.

Another study (Voith et al. 2013) asked over 900 people in dog-related professions to identify the breed of 20 mixed-breed dogs viewed in video clips. The study found that there were very low levels of agreement between respondents as to the dominant breed, and low levels of agreement between respondents' answers and the DNA evidence (though the study notes that DNA testing has limitations). The authors concluded:

Identification is affected by what features (stimuli) a person notices and how much weight the person attributes to those features. For example, some people may attend to the hair coat and color pattern of a dog, while others focus on size, shape of head, or whether or not the tail is curled. The ease with which people notice a feature enhances recall and increases the weight that is placed on that feature. For example, so much significance is placed on any black pigmentation of a dog's tongue that, regardless of the morphology of the dog, it is usually identified as a Chow Chow or Chow mix. The frequency with which people are exposed to the names of specific breeds of dogs and their perception of the population of specific breeds will also influence prediction. Interestingly, the literature indicates that well educated professionals are as susceptible to judgmental biases as are the lay public. (Voith et al. 2013, p.24)²⁰⁸

A study at four shelters in Florida similarly found that there were only moderate levels of agreement between shelter staff (including veterinarians) as to whether or not particular dogs in their care were Pit Bulls. The study also found that the people's identification varied from the DNA analysis (Olson et al. 2015).²⁰⁹

Noting such concerns with the possibility of accurately identifying breed by visual techniques, a paper by Mr Bill Bruce and others which was submitted to this Inquiry concludes that:

... [the evidence] shows that the idea that a dog's breed or mix can be definitively decided by its appearance by an animal professional (which is employed in Victoria for the purposes of Restricted Breed legislation) is fundamentally flawed. In effect, it legislates against a particular 'type' or appearance of dog, whether or not that dog's genetic makeup is in fact comprised in part or in whole by the breeds legislated against. (Bruce et al. 2015, p.9)

The difficulties for council officers in assessing breed

A number of local councils noted the difficulty of applying the Standard in practice. For example, a submission from Moira Shire Council states:

The restricted breed dog legislation has proven to be extremely costly and difficult to implement. The entire framework centres on an authorised officer's assessment of numerous characteristics contained in a Breed Standard which are complex and ambiguous.

The only training provided for an authorised officer to apply the standard was a one day unaccredited training session focused on breed identification and dealing with aggressive dogs conducted by the Bureau of Animal Welfare.

²⁰⁸ See also Hoffman et al. 2014 (pp.332-3) on the differing criteria used by shelter staff and volunteers to identify Pit Bulls.

²⁰⁹ A larger internet-based survey returning similar results is also discussed in Olson et al. (2015, pp.200-1).

Moira Shire's authorised officers are not breed experts nor should they be required to be experts. The number of VCAT decisions now available make it clear breed experts are required to implement the legislation to the satisfaction of VCAT, placing an obligation on the Government to repeal, amend or reallocate the responsibility of the restricted breed provisions to agencies that have the necessary knowledge and skills – which is clearly not local government.²¹⁰

Brimbank City Council, involved in multiple restricted-breed cases thorough the courts, makes similar comments:

Although intended to improve the operation of the provisions, the continual changes to the standard have contributed to confusion and uncertainty about its operation. Authorised officers have needed to attend training to come up to speed with the changes to the standard and be able to competently exercise their duties.

The identification of a restricted breed dog under the standard is a visual one and open to challenge due to ambiguity in some the terms and descriptors used. Interpretation of the standards has been key issue in appeal matters before the Victorian Civil and Administrative Tribunal concerning restricted breed dogs.²¹¹

The difficulties facing animal management officers in applying the Standard have also been noted by some of the key animal welfare and veterinary bodies in Victoria. For instance, Ms Terri MacDonald of DOGS Victoria told the Inquiry:

... 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... 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.²¹²

Moreover, it is the belief of Dr Alan Bolton of the Lost Dogs Home that, given the complexity of their task, some animal management officers may simply define dogs they have seized and impounded as 'staffies' rather than have to go through the system of restricted-breed declarations and are therefore not implementing the legislation as intended.²¹³

210 Moira Shire Council, *Submission 31*, 3 July 2015.

211 For examples of some of the specific problems associated with applying the standard, see Brimbank City Council, *Submission 214*, 15 July 2015.

212 Ms Terri MacDonald, Member, DOGS Victoria, *Public Hearing*, 10 November 2015.

213 Dr Alan Bolton, General Manager, Veterinary Services, Lost Dogs Home, *Public Hearing*, 17 November 2015.

The Greater Bendigo City Council made similar comments in its submission, stating that councils ‘choose to “work around” the legislation rather than apply it.’²¹⁴ Other councils have stated that both the costs of possible litigation and the treatment of animal management officers when they have declared dogs to be of restricted breeds have made councils ‘wary’ of declaring dogs as restricted.²¹⁵

Representatives of Casey City Council also argued that there is a need for more training to be available for animal management officers. Though the Domestic Animals Act requires officers to have undertaken approved training in order to declare a dog to be of a restricted breed,²¹⁶ the Council indicated that only five of its 16 animal management officers had had the opportunity to undertake the training. Mr Rod Bezanovic told the Committee:

There is a recognised training course that needs to be applied to all animal management officers, supplied by the then DPI [Department of Primary Industries]. There have been very few, if any, courses since 2011 as far as I am aware. At that time when the training was being supplied councils were limited in the amount of officers they could supply or send to the training courses. The City of Casey had 16 such officers. We were limited to only sending two or three, and I managed to stretch that out to five so that we could get as many people as we can to be authorised or trained to a standard that can declare a dog as a restricted breed dog if the need arises.²¹⁷

The Council recommended that the training be incorporated into the standard Certificate IV in Animal Control and Regulation in order to provide more opportunities for council officers to complete the training.²¹⁸ Training for local council officers is discussed further in Section 9.6.1 of this report.

Would breed be better assessed by others?

Whilst there has been much criticism of animal management officers having the responsibility for applying the Standard despite not having expertise in breed identification, there has also been comment that those with animal expertise should not be responsible for identifying restricted-breed dogs. For example, the Veterinary Practitioners Registration Board of Victoria argues that:

... it is not appropriate for veterinary practitioners to administer this legislation. Veterinary practitioners’ foremost obligation is to animal welfare, and this is what the public expects. To task veterinary practitioners with administering restricted breed legislation would shift the focus from animal welfare and may result in a loss of public confidence and trust.²¹⁹

214 Greater Bendigo City Council, *Submission 231*, 13 July 2015.

215 Melton City Council, *Submission 118*, 9 July 2015, cf. Casey City Council, *Submission 120*, 9 July 2015; Ballarat City Council, *Submission 213*, 14 July 2015; Campaspe Shire Council, *Submission 236*, 20 July 2015.

216 *Domestic Animals Act 1994* s 98A(4).

217 Mr Rod Bezanovic, Team Leader, Local Laws, Casey City Council, *Public Hearing*, 17 November 2015.

218 Mr Daniel Dyson, Local Laws Officer, Casey City Council, *Public Hearing*, 17 November 2015.

219 Veterinary Practitioners Registration Board of Victoria, *Submission 26*, 2 July 2015.

The Veterinary Institute for Animal Ethics states:

... veterinarians and 'animal experts' such as shelter administrators and rangers are poorly trained to be able [to follow] what at best is highly subjective advice, based on inconsistent measurements and visual references.²²⁰

Dr David Cunliffe of the Lost Dogs Home also told the Inquiry that, given the traditional stance of most vets not to unnecessarily euthanase animals:

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.²²¹

One study of people working in shelters in the USA and UK found that 40.7 per cent of the study participants in areas subject to BSL 'stated they would intentionally label a dog thought to be a mix of a banned breed as a breed that is not banned' (Hoffman et al. 2014, p.334).

In conclusion, the Committee notes that there are significant difficulties with identifying a dog's breed based on its appearance. This becomes even more difficult for animal management officers given their lack of expertise in breed identification and limited training. However, even if the responsibility for identifying restricted-breed dogs were given to people with more animal expertise, difficulties with visual identification of breed would continue.

4.3.3 Genetics

While theoretically DNA testing might provide a more objective means of identifying breeds, the Committee was informed that this is not a reliable technique in the case of Pit Bulls. The Veterinary Institute for Animal Ethics informed the Committee that:

DNA tests use DNA markers (single-nucleotide polymorphisms or SNPs), not genes themselves, to identify dog breeds. The more closely related the dog, the closer their SNPs will be to one another. Therefore these tests work well for highly inbred animals. However, they do not work well for dogs derived of a diverse range of breeds, such as the 'Pit Bull', one of the more common targets of BSL. Pit Bulls are not actually a defined breed but rather a mixture of many breeds, making DNA highly insensitive in distinguishing them. Mars, the manufacturer of one of the better known DNA tests, makes this statement very clear on their website:

"The term 'Pit-bull' is a bit of a misnomer and does not refer to a single, recognized breed of dog, but rather to a genetically diverse group of breeds, which are associated by certain physical traits. Pit-bull-type dogs have historically been bred by combining guarding-type breeds with terriers for certain desired characteristics. As such they may retain many genetic similarities to their original breeds and other closely related breeds.

²²⁰ The Veterinary Institute for Animal Ethics, *Submission 166*, 10 July 2015. See also the studies noted earlier in this section, showing low levels of agreements between animal care professionals about breed (Hoffman et al. 2014, Olson et al. 2015, Voith et al. 2013).

²²¹ Dr David Cunliffe, General Manager, Animal Welfare and Customer Service, Lost Dogs Home, *Public Hearing*, 17 November 2015.

Due to the genetic diversity of this group, Mars Veterinary cannot build a DNA profile to genetically identify every dog that may be visually classified as a Pit-bull. When these types of dogs are tested with Wisdom Panel, we routinely detect various quantities of the component purebred dogs including the American Staffordshire Terrier, Boston Terrier, Bull Terrier, Staffordshire Bull Terrier, Mastiff, Bullmastiff, Boxer, Bulldog, and various other Terriers. Additionally, there are often other breeds outside of the Guard and Terrier groups identified in the mix depending on each dog's individual ancestry."²²²

Dr Alan Bolton from the Lost Dogs Home explained:

... 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.²²³

Dr Susan Maastricht of the Australian Veterinary Association similarly testified that, 'When they do the DNA testing, the markers that they use are too few to absolutely, categorically be able to say that it is a specific breed.'²²⁴

4.4 Is there a Pit Bull problem?

As noted above, one of the underlying premises of BSL is that certain breeds or types of dog are more likely than others to attack or harm people. In particular, it has been suggested that Pit Bulls are more aggressive than other dogs and more able to do harm if they do attack.

Underlying some of the Coroner's recommendations following the Ayen Chol inquest (see Section 3.3.2 of this report) was evidence that she received from Dr Jane Dunnett, a veterinary surgeon at the University of Melbourne Veterinary Hospital. The Coroner explained:

Her evidence as to temperament was that whilst she was wary of all dogs she treated, she was particularly wary of Pit Bull Terriers because the dogs are exceptionally powerful. They will also become aggressive rapidly and without warning and that is a common characteristic of the breed.

...

²²² The Veterinary Institute for Animal Ethics, *Submission 166*, 10 July 2015.

²²³ Dr Alan Bolton, General Manager, Veterinary Services, Lost Dogs Home, *Public Hearing*, 17 November 2015.

²²⁴ Dr Susan Maastricht, Committee Member and Past President, Australian Veterinary Association (Victorian division), *Public Hearing*, 10 November 2015.

This breed according to the documents tendered [by Dr Dunnett] and the evidence of the veterinarian, Dr Dunnett, had a propensity to attack and that there were no specific indicators of the likely onset of an attack.

Therein lies the problem and it is reasonable to conclude that is why American Pit Bull Terriers are restricted breeds.²²⁵

However, the scientific evidence as to whether or not Pit Bulls are more likely to attack and harm people is far from clear. A large number of submitters and witnesses to the Inquiry, including expert bodies, informed the Committee that they did not consider there to be compelling evidence that Pit Bulls are more of a problem than many other breeds. As the Australian Veterinary Association succinctly explained, ‘There is no scientific evidence that any particular breed of dog is more likely to attack people or other animals’.²²⁶

The Committee’s investigation has indicated that a significant number of studies have been conducted internationally in an attempt to determine whether certain breeds are more dangerous than others. However, the results are complex to interpret and often vary depending on the methodology used.

4.4.1 Defining aggression

One claim that has been put forward about Pit Bulls is that they are more aggressive than other types of dog. However, measuring aggression is not straight-forward:

The measurement of aggression in dogs employs a wide range of sources, including dog bite statistics, surveys of dog owners, survey and referrals of general veterinary practitioners and databases from companion animal behaviourists (Duffy et al., 2008; Fatjó et al., 2007). Several topographies of aggression have been reported in a wide range of breeds and breed groups, making aggression one of the most complex canine behaviors to define in terms of context, intensity and target. (Mehrkam & Wynne 2014, p.15)

Aggression in domesticated dogs is a continuum of behaviours that can include growling, snarling, barking, rushing and chasing, bared teeth, snapping and biting (Sherman et al. 1996). Not all aggression is necessarily problematic. Netto and Planta (1997) have argued that aggressive behaviour is part of the normal behaviour of dogs. However, in healthy dogs, attack behaviour is exhibited reluctantly as a last resort. Such reluctance is referred to as bite inhibition – ‘a learned response in which the canid inhibits the full force of (its) biting ability’ (Clarke 2009, p.8).

²²⁵ Coroners Court of Victoria, *Inquest into the Death of Ayen Chol* [2012] COR 2011 003068, pp.9, 11.

²²⁶ Australian Veterinary Association Ltd (Victoria Division), *Submission 499*, 20 August 2015.

Dr Ian Dunbar has developed a six-point scale which is often used to differentiate different types of aggression (see Table 4.1). Dr Dunbar has distinguished between low-risk and higher-risk aggressive behaviours, with bite inhibition being the ‘key difference between dogs that are no threat to people and those that are dangerous’ (Clarke 2009, p.11).

Table 4.1 Dunbar’s aggression scale

Level 1	Dog growls, lunges, snarls-no teeth touch skin. Mostly intimidation / threatening behaviour
Level 2	Teeth touch skin but no puncture. May have red mark/minor bruise from dog’s head or snout, may have minor scratches from paws/nails. Minor surface abrasions or lacerations.
Level 3	Punctures one to three holes, single bite. No tearing or slashes. Victim not shaken side to side. Bruising
Level 3.5	Multiple level 3 bites.
Level 4	Two to four holes from a single bite, typically contact/punctures from more than canines, considerable bruising. Black bruising, tears and/or slashing wounds. Dog clamped down and held and /or shook head from side to side.
Level 5	Multiple bites at Level 4 or above. A concerted, repeated attack causing severe injury.
Level 6	Any bite resulting in death of an animal

Source: Mr Ryan Jestin, document tabled in *Public Hearing*, 18 November 2015.

The City of Calgary (see further discussion in Section 7.8.2 of this report) uses the Dunbar Scale to judge when a dog should be subject to intervention. In that jurisdiction, ‘Dogs are seized for any bite level 4 and above on an adult or any level 3.5 and above on a child (or if a repeat offender or for public safety).’²²⁷

A different but similar scale for measuring aggressiveness has been advocated by the Australian Veterinary Association.²²⁸ The Association considers that there should be a range of interventions, with the scale being used to determine what sort of intervention should be undertaken.

Aggressiveness can also be heavily dependent on context. The Animal Welfare Science Centre informed the Committee that:

A recent study by Casey et al. (2014) found that dogs did not tend to show aggression in multiple contexts. These findings support the current hypothesis in clinical behaviour practice that dogs usually learn to show aggression in response to specific perceived threats occurring in particular contexts (Bradshaw et al., 2009), rather than aggression being an overall characteristic of individuals. This is in contrast with the common public perception that aggression is a trait of an individual, or that particular dogs are either always ‘perfectly safe’ or ‘vicious’ (Bradshaw and Casey, 2007). It is however important for dog owners and members of the public to be aware that any dog is capable of showing aggression, even where it has not done so in other situations (De Keuster et al., 2006). Equally, a dog which has shown aggression in one situation may not necessarily be ‘dangerous’ when in other contexts.²²⁹

²²⁷ Mr Ryan Jestin, document tabled in *Public Hearing*, 18 November 2015.

²²⁸ Australian Veterinary Association Ltd (Victoria Division), *Submission 499*, 20 August 2015; Australian Veterinary Association 2012, p.19.

²²⁹ Animal Welfare Science Centre, The University of Melbourne, *Submission 179*, 10 July 2015.

A study looking at breed and aggression found that there were large differences between the level of aggression in different breeds, depending on whether one looked at aggression towards owners, aggression towards strangers or aggression towards other dogs (Duffy, Hsu & Serpell 2008). While some breeds were equally aggressive towards all three target groups, other breeds had above-average levels of aggression towards only one or two of the target groups.

All of these factors complicate any attempts to measure aggressiveness between different breeds of dog or to identify certain breeds as more aggressive than others.

4.4.2 Size and strength

In understanding the public health risks of different breeds, aggression is not the only factor to be considered. Many people who gave evidence to this Inquiry and much of the academic evidence highlight that all dogs have the capacity for aggressive behaviour. However, the impact will vary depending on the physiology of the dog. Some dogs are able to inflict greater injury on a victim, particularly a child, because of their size, body shape and dentition. Whilst some behavioural studies have suggested that larger dog breeds may be more tolerant than small dogs, common sense would suggest that a small dog such as a Dachshund is less likely to do significant physical damage than a larger one.²³⁰

The impact of a breed's physiology was noted in a major American study (Duffy, Hsu & Serpell 2008). It found significant variation among breeds in terms of aggression, with small dogs such as Dachshunds and Chihuahuas being more aggressive towards humans than Pit Bulls (whose aggression tended towards other dogs). However it noted:

... while the prevalence of human-directed bites or bite attempts among Pit Bull Terriers may be only slightly above average, the severity of their attacks is probably affected by other traits (e.g., the size and strength of the breed, its reputed failure to give warning signs, and its reported tenacity when attacking)... In contrast, although more than 20% of Dachshund owners in our study reported bites or attempts to bite against humans, the relatively small size of this and other highly aggressive breeds (e.g., Chihuahuas) substantially reduces the risks of serious injury. (Duffy, Hsu & Serpell 2008, p.455)

Similarly, Dr Paul Martin of the Australian Veterinary Association told the Committee:

... [a greater] amount of damage done is more likely to be done by dogs with big mouths, large weight and large teeth. They will always cause more damage than small dogs. In fact in my practice over 35 years I have probably been bitten more by Chihuahuas than I have by Rottweilers. However, when a Chihuahua bites you, I think there is not a great difference between that and a mosquito bite. However,

²³⁰ Although some studies have shown that small dogs can sometimes cause significant injury, particularly to babies and small children (see, for example, Beaver et al. 2001 and The Royal Society for the Prevention of Cruelty to Animals (Victoria), *Submission 489*, 14 August 2015).

one day when I had a Rottweiler firmly attached to my arm and I was holding it off the ground the damage inflicted under those circumstances is going to be much greater.²³¹

The risk to the public of injury from a dog is therefore going to be a product of both its level of aggression and its physiology.

4.4.3 Studies on breed and harm

A significant number of studies have been undertaken to identify whether there is a correlation between breed and the likelihood that people will be injured by a dog. It seems clear that breed does have an impact on behaviour, including aggressiveness (e.g. Duffy, Hsu & Serpell 2008; Mehrkam & Wynne 2014; Svartberg 2006). However, different studies have returned different results as to what characteristics should be attributed to what breeds (Mehrkam & Wynne 2014).

Some studies have identified Pit Bulls as disproportionately likely to be responsible for injury. For example, a study of fatal dog attacks in the USA between 1979 and 1998 (Sacks et al. 2000) found that over 300 people died of dog bite attacks in this period. Using data from The Humane Society of the United States and media accounts, the study was able to identify the breeds purported to be involved with 238 of the attacks. The study found that at least 25 breeds of dogs were responsible, but Pit Bulls were the most commonly cited breed. Pit Bulls were associated with 66 (27.7 per cent) of these deaths, and Pit Bull cross-breeds associated with another 11 deaths (4.6 per cent).

However, there are a number of difficulties with inferring that Pit Bulls are more dangerous than other dogs from this study. As the authors acknowledge, to properly identify the risk from a breed, one needs to know the population of the breed within the community, but such information was not available. Similarly, the authors note that there may be errors in the data regarding the breeds responsible for attacks, as media sources may disproportionately report particular breeds²³² and the identification of breeds even by experts can be flawed. Nonetheless, the authors conclude that:

Despite these limitations and concerns, the data indicate that Rottweilers and pit bull-type dogs accounted for 67% of human DBRF [dog-bite-related fatalities] in the United States between 1997 and 1998. It is extremely unlikely that they accounted for anywhere near 60% of dogs in the United States during that same period and, thus, there appears to be a breed-specific problem with fatalities. (Sacks et al. 2000, p.839)

231 Dr Paul Martin, President, Australian Veterinary Association (Victorian division), *Public Hearing*, 10 November 2015.

232 See Section 1.5.2 of this report on the idea of a 'moral panic'. Note particularly the findings of Patronek and Slavinski 2009, p.337 and Patronek et al. 2013, pp.1733-4 on media reporting of breed in dog attacks.

The authors, however, also argue that fatal attacks only represent a very small proportion of overall dog bite injuries and ‘therefore, should not be the primary factor driving public policy concerning dangerous dogs’ (Sacks et al. 2000, p.836). They also note a number of the practical problems with BSL (Sacks et al. 2000, p.839).

Others, including the American Veterinary Medical Association,²³³ believe that the data errors are so great that no conclusions can be drawn from this particular study.

Another study (Bini et al. 2011) looked at patients treated for dog bite injuries at a hospital trauma centre in the USA between 1994 and 2009. There were 82 patients for which a breed of dog was recorded (out of 228 patients with dog-bite injuries), with Pit Bulls cited in 29 cases. The study found that attacks by Pit Bulls are associated with more severe injuries and higher risk of death than attacks by other breeds of dog.²³⁴

However some objections to the data and methodology used to identify the breeds of the dogs in this study have been made (Delise 2012).²³⁵

A study investigating different types of aggression found that Pit Bulls were more aggressive towards other dogs compared to other breeds, but showed average or below-average levels of aggression towards humans (Duffy, Hsu & Serpell 2008, pp.450-1).²³⁶ This highlights the complex nature of studying aggression (see Section 4.4.1 of this chapter).

However, not all studies of breed and aggression have found Pit Bulls to be problematic. A recent literature review identified 45 studies that have been conducted in various countries looking at the breeds most commonly involved in serious biting injuries (American Veterinary Medical Association 2015).²³⁷ It divided the studies into those that adjusted for the prevalence of the breed in the community and those that looked at the number of injuries without adjusting for breed prevalence.

In the 35 studies that did not adjust for breed prevalence, Pit Bulls were one of the top two breeds identified in 12 of the studies, but did not make the top two in the remaining 23. In contrast, the review found that Pit Bulls were not

²³³ American Veterinary Medical Association, cover letter to Sacks et al. 2000, available at <www.avma.org/Advocacy/StateAndLocal/Documents/javma_000915_fatalattacks.pdf>, accessed 18 January 2015.

²³⁴ Note also Pickney and Kennedy 1982, which found that Pit Bulls were disproportionately likely to be responsible for fatal attacks, but was based on media accounts and noted that the number of Pit Bulls was uncertain at the time of the study.

²³⁵ Note also the authors’ response to Delise’s criticisms (Bini & Cohn 2012).

²³⁶ Another study based on behaviour tests which looked for aggression directed to either humans or other dogs found that Pit Bulls or Pit Bull crosses were more likely than seven other breeds to fail the tests, though the results for Pit Bulls did not reach the threshold of statistical significance (Bollen & Horowitz 2008, pp.123, 129). See also Roll & Unshelm 1997 on Pit Bulls being disproportionately likely to attack other dogs.

Other characteristics that have been associated more with Pit Bulls than other breeds in studies include: attacks by Pit Bulls are more likely to be unprovoked (Avner & Barker 1991, pp.56-7); attacking Pit Bulls are more likely to be free-roaming (Avner & Barker 1991, pp.56-7); and attacking Pit Bulls are more likely to be unfamiliar to the victim (Avner & Barker 1991, p.56; Reisner et al. 2011, p.349).

²³⁷ The studies used a range of methodologies and had large differences in their sample sizes. Therefore, not all studies are equally significant.

identified as disproportionately dangerous in any of the 10 studies that adjusted for prevalence.²³⁸ German Shepherds and shepherd breeds, though, appeared as higher-risk in eight of the 10 studies that accounted for breed prevalence.²³⁹

The studies which adjusted for prevalence are likely to be more meaningful measures of risk, as studies that do not adjust for prevalence may primarily reflect the popularity of the breed in the areas studied.

However, a study of dog attacks in New South Wales (NSW Division of Local Government 2013, pp.19, 23), based on attacks reported to local councils and numbers of registrations, found that Pit Bull Terriers had a higher rate of attack (per 100 registered dogs) than any other breed. It found similar results for Pit Bull crosses (excluding breeds in which small numbers of registrations have skewed the results). However, as with other studies, the accuracy of both the number of attacks reported to local councils and the number of registered dogs of a particular breed are open to doubt (see further discussion in Section 4.5.1 of this chapter on the limitations of this data source).

The Committee notes the varying results of these studies. The Committee also notes that a number of submitters criticised all such studies. In particular, submitters highlighted the difficulties associated with correctly identifying breeds and the difficulties identifying the total population of any particular breed.²⁴⁰ Academic literature similarly notes that studies often have to rely on data that are incomplete or potentially biased (e.g. Duffy, Hsu & Serpell 2008, pp.442-3). Some studies have particularly highlighted the limitations of media reports as a source of accurate breed identification (see especially Patronek et al. 2013, pp.1733-4).

Cassell and Ashby captured these concerns in their analysis of dog-bite injuries:

Good quality research on the effect of breed on reported bite incidence is predicated on having reliable identification of dog breed by owners registering dogs and of the biting dogs by persons reporting bites, reliable estimates of the population size of all breeds in the source population and consistent reporting of dog bites.

These pre-conditions are rarely met. Licence records are often used to estimate breed populations but their reliability is dependent on the overall compliance level with dog licensing laws in the community under study and consistent compliance among owners of specific breeds. There is some evidence that biting dogs are less likely to be registered than non-biting dogs. Further, disproportionate media attention given to bites by specific breeds may also skew both breed identification and the reporting of bites to authorities. The classification of cross breed dogs on registers is also problematic; almost half the estimated 3.75 million dogs in Australia are crossbreeds. (Cassell & Ashby 2009, p.17)

²³⁸ Including two from South Australia – Greenhalgh, Cockington & Raftos 1991 and Thompson 1997.

²³⁹ See also Rosado et. al. (2007, pp.169-71), which was not included in the analysis by the American Veterinary Medical Association, which found similar results (only German Shepherds were identified as significantly higher-risk). Note also the studies by Cornelissen & Hopster (2010, pp.295-6) and De Kreuster, Lamoureux & Kahn (2006, p.484) looking at breeds associated with all bites (not only serious bites), adjusting the numbers for breed prevalence. These studies also found German Shepherds to be higher risk, but not Pit Bulls (though Terriers as a whole were found to be higher risk in Cornelissen & Hopster 2010).

²⁴⁰ See, for example, Ms Linda Watson, *Submission 212*, 14 July 2015; Mr Brad Griggs, owner and operator, Canine Services International, *Public Hearing*, 24 November 2015.

Another concern with interpreting the data is that statistics relating to Pit Bull attacks may reflect Pit Bull owners rather than anything inherent in the breed. It has been suggested that owners who encourage aggressive behaviour may be more attracted to dogs with reputations for aggression (such as Pit Bulls). In other words, some of the behavioural tendencies that may be attributable to Pit Bulls may be a result of environmental factors they have in common rather than genes associated with the breed (see Section 4.6.3 of this chapter). This is a particularly important consideration for BSL – if the risks associated with Pit Bulls are a result of owner behaviour, banning a particular breed may have no impact on dog attack rates. Breed bans may simply lead to people wanting aggressive dogs turning to a different breed and training it to be aggressive, leading to problems with a new breed (see further discussion in Section 4.7 of this chapter).

The Committee accepts that there are serious concerns about these studies. It also notes that some studies have suggested that Pit Bulls pose a higher risk but that other studies have found that they do not. As a result of these factors, the Committee considers that it is not currently possible to reach a definitive conclusion as to whether or not Pit Bulls pose a greater risk than other breeds. However, the Committee emphasises that this does not mean that Pit Bulls do not pose a higher risk. It simply means that the evidence is unclear and that it is impossible to be sure whether they are or are not a particular risk.

One factor that may contribute to the difficulties in detecting a relationship between breed and harm is that genetics are only one element determining dog behaviour. Whilst genetics (including breed) certainly do play a role, studies have also found substantial differences in behaviour within breeds (Duffy, Hsu & Serpell 2008, p.457; Mehrkam & Wynne 2014, p.22; Svartberg 2006, p.300). This suggests that breed is only part of the explanation for dog attacks (see further discussion in Section 4.6 of this chapter).

4.4.4 How big a problem are Pit Bulls?

Even though Pit Bulls may (or may not) present a higher risk than other breeds, it is important to note that they are responsible for a relatively small portion of dog attacks.

Reliable data about the proportion of dog attacks that Pit Bulls are responsible for in Victoria are not available.²⁴¹ Data about breeds involved in attacks reported to local councils are available for New South Wales, though it should be noted that there are a number of issues associated with these data (see Section 4.5.1 of this chapter). The data indicate, in relation to attacks reported in 2011-12, 1.9 per cent

²⁴¹ The analysis of Victorian hospital admissions and emergency department presentations for dog bites by the Victorian Injury Surveillance Unit (Cassell & Ashby 2009 – see discussion in Section 2.2.2 of this report) found that the breed of dog was only recorded in 88 cases (out of a total of 6,330 incidents) between 2005 and 2007. In these 88 cases, 15.2 per cent of the attacking dogs were identified as Pit Bulls or Pit Bull crosses (including three dogs identified as 'Pit Bull/Bull Terrier'). It is important to note, though, that the identification of breed was made by victims, which may not be reliable (see Section 4.3.2) and represents a very small fraction of total dog attacks, which may not be representative.

of attacking dogs were identified as Pit Bulls or Pit Bull crosses. An additional 5.9 per cent of attacks were attributed to American Staffordshire Terriers and their crosses, which are not distinguished from Pit Bulls in some jurisdictions.²⁴²

It is worth noting that New South Wales in 2011-12 had BSL targeting Pit Bulls, which may have reduced the proportion of attacks attributed to Pit Bulls (see Section 4.5.1). An analysis by the Australian Veterinary Association (2012, p.11) indicates that 4.2 per cent of dog attacks were caused by Pit Bulls in the year before BSL was introduced.

The Australian Veterinary Association (2012, p.12) concludes that ‘even completely effective breed-banning would only improve public safety by a very small percentage.’²⁴³ While the Committee considers that even small reductions to the number of injuries from dog attacks may make important differences to individual lives, it notes that many attacking dogs are not Pit Bulls and that an effective strategy to reduce injury from dog attacks must focus on all breeds.

4.5 Evaluations of breed-specific legislation

Ultimately, if there is a correlation between breed and levels of harm to the community, one would expect the introduction of BSL to lead to a reduction in the amount of injury from dog attacks.

No formal evaluation of the effectiveness of BSL has taken place in Victoria. Based on the available data, a number of submitters and witnesses concluded that it has not reduced the risk of injury from dog attacks in Victoria. For example:

... Animals Australia agrees with other organisations that have submitted that the breed specific legislation in Victoria is ineffective in achieving its intended purpose of removing dangerous dogs from society and therefore reducing the amount of dog attacks that occur. In fact, there have been a number of reports from local councils which show that despite the introduction of breed specific legislation, the number of dog bites have increased.²⁴⁴

However, as discussed in Sections 2.2-2.3 of this report, there are serious limitations to the data available for Victoria and it is not clear what the most appropriate measure of the effectiveness of BSL would be. As a result, the Committee does not believe it is possible to definitively assess the impact of BSL here.

BSL has also been introduced in many other jurisdictions around the world, and a number of evaluations have taken place (see below). Some of these have suggested that BSL has been effective at reducing hospitalisations due to dog

²⁴² Committee calculations based on NSW Division of Local Government (2013), pp.18-19, 23.

²⁴³ The Australian Veterinary Association (2012, p.9) also argues that the number of dogs which would have to be removed to prevent a single hospitalisation would be very large, given the rarity of dog-bite hospitalisations.

²⁴⁴ Animals Australia, *Submission 183*, 10 July 2015. The Municipal Association of Victoria and two councils made similar comments (Municipal Association of Victoria, *Submission 194*, 10 July 2015; Melton City Council, *Submission 118*, 9 July 2015; Casey City Council, *Submission 120*, 9 July 2015).

attacks. However, other studies have not found any effect or have returned results that are not conclusive. Interpreting the evidence is not straight-forward and the Committee does not believe that it is possible to reach a conclusion about the effectiveness of BSL at this time.

4.5.1 The evidence

Studies suggesting that breed-specific legislation has been effective

One study compared different jurisdictions within the Canadian province of Manitoba (some of which had BSL and some of which did not) over 22 years (Raghavan et al. 2013). It found that jurisdictions with BSL had significantly lower rates of hospitalisation from dog bites, especially for people aged less than 20 years.²⁴⁵

Another study examined Catalonia, Spain, between 1997 and 2008 (Villabí et al. 2010). Stricter regulations, including BSL and other approaches, were introduced there in 1999 and 2002. The study found that hospitalisations due to dog bites reduced following the increased regulations. The reduction was greater in the regional areas compared to the major urban area of Barcelona.

Studies suggesting that breed-specific legislation has not been effective

An article looking at dog-bite hospitalisations in Ireland in the fifteen years following the introduction of BSL found that the rate of dog-bite hospitalisations had risen throughout that period and concluded that BSL had not been effective at reducing dog bites (Ó Súilleabháin 2015). However, the study did not compare the post-BSL rates to the rates before the introduction of BSL.

In the UK, a study looking at emergency department presentations in one hospital found that there was no significant change in the rate of dog bite (compared to other mammalian bites) before and after the introduction of the Dangerous Dogs Act 1991 (Klaassen, Buckley & Esmail 1996). However, this study was based on only one hospital, for two three-month periods, considering a total of 268 mammalian bites. The study also compared the rate of attack by different breeds, but the small numbers limit the significance of the findings. The Dangerous Dogs Act included both BSL and new penalties for people not controlling dogs, regardless of breed (Ares 2015, pp.4-5).

²⁴⁵ The same study also examined rates of people seeking preventative treatment for rabies after receiving bites. Comparing two cities (one with BSL and one without), it found that BSL had little or no impact on these rates. The authors interpret this as indicating that BSL has not reduced the overall rate of bites but has reduced the severity of bites (Raghavan et al. 2013, p.181). However, the rabies treatment measure included bites from all mammals, not just dogs, which may only account for 30 per cent of bites (Raghavan et al. 2013, p.182). People may also be less likely to seek such treatments for bites from their own pets, meaning that this measure may not capture a large proportion of dog bites. The Committee is therefore cautious about drawing conclusions from the preventative rabies treatment data.

One study compared 36 Canadian municipalities with and without BSL in 2005. The difference in the rate of reported dog bites (1.7 bites per 10,000 people in municipalities with BSL and 1.8 in municipalities without BSL) was not statistically significant (Clarke & Fraser 2013, pp.148-9).

Studies where the evidence is not clear

A study of dog bites drawing on a number of sources for Florence, Italy (Mariti, Ciceroni & Sighieri 2015), found that there had been a reduction in dog bites following the introduction of BSL in 2003. However, the authors show that this reduction was in line with a longer-term trend that preceded BSL and therefore presumably had other causes. The study noted that there was no significant change in the breeds which were responsible for the bites. This also suggests that the decrease was not a result of the BSL.

Another study looked at medically treated dog bites over a ten-year period in the region of Aragón, Spain (Rosado et al. 2007). Legislative change (including both BSL and non-BSL components) was introduced in the middle of the period. The study found no change before and after the introduction of BSL in the areas with low population density. A decrease in medically treated bites was observed in highly populated areas following the change, but the study concluded that this decrease did not reach the threshold of statistical significance.

The Australian Veterinary Association conducted an analysis of dog attacks in New South Wales between 2004 and 2011 (Australian Veterinary Association 2012, pp.9-13). BSL was introduced in 2005. The number of reported Pit Bull attacks rose over the period, despite the introduction of BSL. However, the total number of recorded attacks in this data set increased seven-fold during the period (and more than doubled between 2008-09 and 2009-10). The increase is likely due to more attacks being reported rather than an increasing problem with dog attacks.

More importance should therefore be given to the finding that the proportion of all dog attacks caused by Pit Bulls fell over the period, from 4.2 per cent of all dog attacks in 2004-05 to 1.3 per cent in 2010-11.²⁴⁶ However, the analysis also shows that the number of Pit Bulls attacking as a proportion of the number of registered Pit Bulls rose through the period, driven by an increasing number of attacks and a reduction in the number of Pit Bulls registered.

Overall, the Australian Veterinary Association concluded that 'Breed-specific legislation targeted against Pit Bull terriers did not reduce the number of attacks by this breed or the percentage of the breed attacking.' (Australian Veterinary Association 2012, p.10) However, the Committee notes that these results may be primarily driven by the increased reporting of bites and changes to the way people registered Pit Bulls following BSL targeting Pit Bulls. The reduction in the proportion of reported dog attacks by Pit Bulls may be a more relevant measure, though it should be used with caution given the large increase in the reporting of incidents in the early years of the period (which may have changed the sort of incidents reported).

²⁴⁶ An analysis of the data for Pit Bulls, Pit Bulls crosses and American Staffordshire Terriers was also conducted, which found similar results.

4.5.2 Interpreting the evidence

In addition to the fact that these studies have reached contradictory findings, a number of other factors make interpreting the results difficult:

- in some cases, the sample sizes used were small, reducing the statistical reliability of the results
- in a number of cases, the legislation that introduced BSL also introduced additional or stronger regulation by deed – in these cases, the studies are measuring the effectiveness of both BSL and regulation by deed and cannot therefore be taken purely as indicators of BSL
- some studies looked at hospitalisation, some at emergency department presentations and some at more general indicators of the rate of dog attacks – as seen in the Victorian case, very different trends can appear depending on what indicator is used²⁴⁷ (see Section 2.3 of this report)
- different jurisdictions have restricted different breeds of dog, though in all of these cases Pit Bulls were included in the restricted breeds.

Overall, the Committee notes that a number of peak bodies have concluded that the evidence suggests that BSL has not been effective. For example, the Australian Veterinary Association (AVA) stated:

The AVA does not believe that breed based approaches reduce public risk. The AVA is opposed to breed-based dog control measures because the evidence shows that they do not and cannot work. We understand that the intent of government by introducing the breed-specific legislation was to reduce dog bites but this has not been the outcome.²⁴⁸

The AVA also notes that

... the national veterinary associations of Britain, the United States and Canada and major animal welfare organisations internationally, have recognised that breed-specific approaches to dog regulation are not effective as they do not protect the public by reducing dog bite incidents.²⁴⁹

The Committee does not consider that the evidence is as clear as the AVA's comments suggest. Rather, the Committee's view is that it is not possible at this time to reach a clear conclusion as to whether or not BSL has been effective. Whilst there is some evidence to suggest that it may be effective in some jurisdictions, there are concerns about the evidence, as outlined above.

However, the Committee does recognise that BSL in itself clearly does not solve the problem of dog attacks.

²⁴⁷ Note also the different findings in Manitoba between hospitalisations and preventative rabies treatment (Raghavan et al. 2013, pp.181-2).

²⁴⁸ Australian Veterinary Association Ltd (Victoria Division), *Submission 499*, 20 August 2015.

²⁴⁹ Australian Veterinary Association Ltd (Victoria Division), *Submission 499*, 20 August 2015.

4.5.3 Departure from BSL at an international level

A number of submitters pointed out to the Committee that several jurisdictions overseas that have implemented BSL have subsequently either revoked the relevant legislation or are currently questioning its effectiveness (Bradley 2014). In recent years, jurisdictions including the Netherlands, Italy, certain länder (states) in Germany, some states of the USA and some provinces of Canada have repealed their restricted-breed legislation (Australian Veterinary Association 2012; Bradley 2014; National Canine Research Association 2013; Bruce et al. 2015). Indeed, in the USA, some states have passed laws prohibiting local municipalities from passing BSL (Bradley 2014, p.13).²⁵⁰

However, not all jurisdictions have moved away from BSL. A review of dog control legislation in the United Kingdom questioned the effectiveness of BSL and recognised the opposition to it, but decided not to recommend the removal of BSL. Nonetheless, the report stated that no new breeds should be added to the prescribed list (Ares 2015).²⁵¹ Ontario, Canada is another jurisdiction where, despite court challenges,²⁵² the banning of Pit Bulls has remained. Bans also remain in many US counties. All states in Australia also have BSL.

4.6 Contributory factors in dog aggression and dog attacks

As discussed in Section 4.4.3 of this chapter, the role of breed in aggression is far from clear. Though a number of participants in this Inquiry have concluded that breed plays no role in dog aggression, most experts consider that ‘while genetic tendencies do play a part, environment, health and previous experiences of the animal are also critical factors.’²⁵³

A recent review of studies of breed and behaviour concluded:

... differences in behavior are evident among breeds of dogs. However, substantial within-breed differences in behavior also exist – even in the most controlled experimental studies. Breed differences in behavior are therefore influenced by both genetics, and by the environment and experience. (Mehrkam & Wynne 2014, p.25)

²⁵⁰ See also the following submissions for a discussion of these international approaches: Ms Melanie Isaacs, *Submission 176*, 10 July 2015; DOGS Victoria, *Submission 131*, 9 July 2015; Project P.A.W.S. Incorporated, *Submission 167*, 10 July 2015.

²⁵¹ The prescribed breeds in the UK are the same as those banned under the Australian Commonwealth regulations (see Section 3.2 of this report).

²⁵² Ontario’s Breed Specific Legislation (Bill 132) passed on 29 August 2005. A court challenge to defeat Bill 132 was heard in May 2006 (*Cochrane v. Ontario (Attorney General)*, 2007 Can LII 9231 (ON SC)). Judgment was given on 23 March 2007. Madam Justice Herman ruled that the term ‘Pit Bull Terrier’ was unconstitutionally vague. However, this decision was overruled by the Court of Appeal for Ontario (*Cochrane v. Ontario (Attorney General)*, 2008 ONCA 718 (CanLII)). The Court of Appeal reversed the lower court ruling, disagreeing that the definition of Pit Bull in the Act was insufficiently precise. In the ensuing years, both major parties in Ontario have suggested repealing the BSL but it has yet to appear on the Legislature’s agenda.

²⁵³ Dr Belinda Oppenheimer, *Submission 15*, 21 June 2015; cf. (for example) Animal Welfare Science Centre, The University of Melbourne, *Submission 179*, 10 July 2015; The Royal Society for the Prevention of Cruelty to Animals (Victoria), *Submission 489*, 14 August 2015.

In other words, dog attacks cannot be explained solely by breed. The Animal Welfare Science Centre informed the Committee that:

As in all types of behaviour, canine aggression appears to be a consequence of a number of factors including genetics, experiential factors (learning) and immediate environment. Domestication through selection has reduced fear and aggression in dogs, however marked variation exists between breeds and between individuals within these breeds (Duffy et al., 2008). Motivations of anger and fear can be expressed as threat, defence and attack, but whether or not aggression occurs is likely to depend on both the experience (learning) and genetics of the dog together with the immediate situational factors or stimuli.²⁵⁴

The Animal Welfare Science Centre also indicated that this was an area where there remains scope for additional research:

The primary intent of the legislative and regulatory framework relating to dangerous and restricted dog breeds is to protect the community. More specifically, it is to reduce the frequency of serious injury to people by dog bite. However, in order to effectively address the dog bite issue we first need to gain a better understanding of causation [emphasis added]. Whilst there is a range of literature identifying factors related to canine aggression to people, there does not appear to have been any attempt to objectively identify all the factors contributing to canine aggression and serious dog bites in Victoria or elsewhere.²⁵⁵

4.6.1 Multifactorial explanations

It is generally agreed that no one factor fully accounts for dog attacks, though there is some disagreement about what factors do need to be considered to fully explain dog attacks. The Australian Veterinary Association (2012, p.2) argues that the tendency for dogs to bite or attack is dependent on at least five interacting factors:

- heredity (genes, including breed)
- early experience
- socialisation and training (or irresponsible ownership)
- health (physical and psychological)
- victim behaviour.

The Australian Veterinary Association explained to the Committee:

All dogs of all breeds and all sizes have the propensity to be dangerous in certain circumstances. The genetics of the dog, early experiences of the dog, whether or not the dog has been socialised and trained properly, whether or not the dog has chronic pain or [is] experiencing discomfort and the behaviour of people around the dog (if the person is aggressive or abusive) are all contributing factors to whether or not a

²⁵⁴ Animal Welfare Science Centre, The University of Melbourne, *Submission 179*, 10 July 2015.

²⁵⁵ Animal Welfare Science Centre, The University of Melbourne, *Submission 179*, 10 July 2015.

dog may be dangerous. The size, strength, muscle strength, age, teeth and jaw are all characteristics that will determine the seriousness of injuries a dog may inflict on a person or another animal.²⁵⁶

The Veterinary Institute of Animal Ethics similarly indicated:

... the causes of dog attacks can include a range of factors such as: lack of training, inadequate socialisation, unsound handling, being chained or tethered, current or early experiences of abuse or neglect, pain or injury, and reproductive status (with entire males being responsible for most attacks).²⁵⁷

4.6.2 Genes and breed

Research indicates that genes play some role in determining aggressiveness. The Animal Welfare Science Centre explained:

Dogs of different breeds (Svartberg, 2006; Rosado et al., 2007; Duffy et al., 2008) have been shown to differ in their level of aggressiveness. However, it is important to note that most of what is understood about breed differences in aggression comes from reports based on bite statistics, behaviour clinic caseloads, and experts' opinions. Information on breed-specific aggressiveness derived from such sources may be misleading due to biases attributable to a disproportionate risk of injury associated with larger and/or more physically powerful breeds and the existence of breed stereotypes. Duffy et al. (2008) reported differences among dog breeds in the prevalence and severity of aggression directed at different targets (familiar and unfamiliar humans and dogs), and the degree to which aggression was associated with fear... The authors suggest that differences between lines of distinct breeding stock indicate that the propensity toward aggressive behaviour is at least partially rooted in genetics; although substantial within-breed variation indicates that other factors (developmental, environmental) play a major part in determining whether aggressive behaviour is expressed in the phenotype. These results demonstrate that the development of canine aggression is not uniform, and varying characteristics and circumstances may predispose animals to aggressive responses in different situations.²⁵⁸

However, the extent to which genes play a role is not clear. For example, Ms Terri MacDonald of DOGS Victoria told the Inquiry that, in her view, it was not possible to put a percentage weighting on the various factors that may contribute to dog attacks.²⁵⁹ It is important to understand in this context that:

... the common idea that the genome is inflexibly determinative is a misconception. Many factors from diet and health to environment and socialization, profoundly affect whether and to what extent a specific gene that can potentially affect behavior or appearance is actually expressed. (Bradley 2014, p.11)

It has also been noted that traits like aggressiveness within a breed can change over time:

256 Australian Veterinary Association Ltd (Victoria Division), *Submission 499*, 20 August 2015.

257 The Veterinary Institute for Animal Ethics, *Submission 166*, 10 July 2015.

258 Animal Welfare Science Centre, The University of Melbourne, *Submission 179*, 10 July 2015.

259 Ms Terri MacDonald, Member, DOGS Victoria, *Public Hearing*, 10 November 2015.

Within any dog breed a proportion of individual dogs will be genetically predisposed to aggression. By actively selecting for a non-aggressive disposition when breeding the proportion of dogs predisposed to aggression can be reduced. Similarly preventing breeding of aggressive dogs entirely will achieve the same aim. (Seksel 2002, p.11)

Overall and Love also noted that breed characteristics may change when a breed becomes more popular:

Behaviors of breeds do not remain constant as breeds become popular, but change in ways that are consistent with population genetics.

A breed may be bred to display a narrow suite of behaviors that are considered acceptable, and individuals outside the bounds of acceptability are culled or not bred. When dog breeds become popular, 2 things happen: first, selection is relaxed, and because there is underlying genetic variance, less favorable traits are expressed; and second, individuals expressing these traits and behaviors are not selected against, rather they are desired, because the dogs are “hot,” “tough,” “sexy,” or “sharp.” In this situation, owners tolerate, select for, and enhance inappropriate out-of-context behaviors. (Overall & Love 2001, p.1929)

Some studies have suggested that changes in aggressiveness can occur within a few generations and current behavioural tendencies may have no relationship with earlier uses of a breed (Rosado et al. 2007, p.172; Svartberg 2006, pp.306-8). The fact that certain breeds (such as Pit Bulls) were historically bred for fighting is sometimes cited as a reason for restricting them. However, this may not be a reliable indicator of their current temperaments.

Genetic determination of behaviour is even less accurate in the case of mixed breeds. As Bradley states:

With mixed breed dogs it is not possible to make predictions about the likelihood of traits related to the parent breeds with regard to physical appearance, behavior or any attributes of an individual animal cumulatively called the phenotype. Any aspect of the parent’s genome may find expression in the offspring, even if that characteristic was not actually expressed in the parent. (Bradley 2014, p.12)

4.6.3 Other factors

As noted in Section 4.6.1 of this chapter, a range of factors other than genes influence whether or not a dog is likely to be aggressive. These include immediate factors (such as the health of the dog or the behaviour of the victims), as well as longer-term factors, such as the dog’s early experiences and its general training, treatment and socialisation.

A number of the factors correlated with dog aggression are discussed in Sections 2.4.3 and 2.5 of this report.

From the perspective of this Inquiry, the influence of owner behaviour (especially in terms of training, treatment and socialisation of the dog) is particularly important. Many participants in this Inquiry have suggested that a useful way for the Government to reduce the risk of dog-related injuries is through encouraging owner behaviour that will reduce the risk of dog attacks.

Training, treatment and socialisation

While some owners may deliberately train their dogs to attack or be aggressive, much human intervention with dogs that results in aggressive behaviour may not be deliberate.²⁶⁰

The training, socialisation, health and general upkeep of dogs are crucial determinants of their behaviour according to groups such as the Australian Veterinary Association²⁶¹ and DOGS Victoria.²⁶² According to such views, aggression in dogs can be the product of learnt behaviour:

The behaviour of the dog is often a product of how it has been trained, how it has been raised and how it is cared for, so we want to make sure that that is all being done right, and then we can reduce that issue of dogs biting... All dogs have certain drives built into them – we know that – but aggression is actually a learnt behaviour. They are not born aggressive; it has to be taught to them and learnt. In a dog pack environment, aggression is not acceptable. So there are dogs that are more trainable than other dogs; hence police use German shepherds. But they are not born that way; they have to be created.²⁶³

With regard to socialisation in particular, experiments in the 1960s showed that the formative stages of a puppy's life (the first 16 weeks) are crucial in creating its approach to the world. As Clarke explains:

Failure to achieve the developmental tasks associated with each respective stage, or the experience of unfavourable conditions during these critical periods of social development, creates behavioural responses that are unacceptable to human society. Conversely, appropriate positive experiences during these early stages will result in behavioural responses that are stable and well adjusted to human society...

Moreover, if the puppy has a fearful temperament and is not properly socialized during this critical period, successfully re-socializing it at a later age will be extremely difficult (Fox, 1972)...

Among the social skills lost if the socialization process is interrupted is the puppy's learning to restrain the force with which it uses its teeth (bite inhibition). This important social skill is learned by the dog as a very young puppy, during a period measured in weeks, through normal interactions with litter-mates, with the adult parent(s) and later through proper teaching and socialization by the puppy's new family (Scott and Fuller, 1965; Pfaffenberger, 1976; Donaldson, 1997). As bite

²⁶⁰ See, for example, the testimony from Animal Lawyer, Brett Melke on the relationship between dogs that attack and their owners (Mr Brett Melke, Principal Lawyer, Melke Legal, *Public Hearing*, 17 November 2015).

²⁶¹ Dr Susan Maastricht, Committee Member and Past President, Australian Veterinary Association (Victorian division), *Public Hearing*, 10 November 2015.

²⁶² Ms Terri MacDonald, Member, DOGS Victoria, *Public Hearing*, 10 November 2015.

²⁶³ Mr Bill Bruce, former Director of Animal Services, City of Calgary (Canada), *Public Hearing*, 20 October 2015.

inhibition develops, the use of agonistic behaviours such as biting (to establish and maintain dominance-submissive relationships) is replaced by vocalizations, body postures and facial expressions. (Clarke, 2009, pp.9-11)

A number of studies have sought to identify factors in the way a dog is treated that may influence its level of aggression (see, for example, Gershman, Sacks & Wright 1994; Cassell & Ashby 2009, p.19; Patronek et al. 2013, pp.1732-3; Roll & Unshelm 1997, pp.236-40; Messam et al. 2008).²⁶⁴ A range of factors has been identified in different studies. These include the dog being chained, mistreated or isolated. They also include, in some studies, being allowed to sleep on a human's bed.

The Committee notes that different studies have identified different factors as significant. Some findings from particular studies have been contradicted by other studies. One study which compared the USA to Jamaica found differences between the locales in the factors that were significant. This may mean that some factors are culturally specific (Messam et al. 2008).

However, the level and nature of human-dog interactions is relevant to many of the identified factors. Patronek et al. hypothesised:

Appropriate, humane, and clear interactions with people provide dogs with information about how to interact with humans in ways that are neither scary nor injurious to the dog or human. This can occur through daily interaction but cannot occur when dogs are reared apart from daily, freely offered (not while chained) human interactions. The effect of that bond is that dogs that interact frequently with humans read human signals well and are encouraged to act on them accordingly. Dogs that are deprived of human interaction or direction are denied access to accurate information about appropriate behaviors with humans. Consequently, dogs in stressful, potentially dangerous situations or when maltreated may behave in ways primarily to protect themselves. (Patronek et al. 2013, p.1733)

Some studies looking at the personalities of dog owners have found that people who have exhibited criminal and other antisocial behaviours tend to be disproportionately attracted to dogs with reputations for being vicious, including Pit Bulls (Ragatz et al. 2009; Schenk, Ragatz & Fremouw 2012; Barnes et al. 2006). One study of dogs injured in dog fights found that dogs that initiated fights were more often trained by shaking or hitting than dogs that had not initiated fights (Roll & Unshelm 1997, pp.238-9).

Further discussion of the importance of responsible dog ownership is found in Chapter 7 of this report. The benefits of further research in this area are discussed in Chapter 8.

The Committee notes that human behaviour at the time of the attack may also play a role in dog attacks (see Section 2.4.3). Education strategies to reduce that risk are identified in Chapter 6 of this report.

²⁶⁴ Note also Australian Veterinary Association Ltd (Victoria Division), *Submission 499*, 20 August 2015 and Bruce et al. 2015, p.12.

4.7 Breed substitution

The Australian Veterinary Association has suggested that, even if BSL managed to wipe out a particularly aggressive breed, it may not reduce dog attacks, as:

... dog owners who desire this kind of dog will simply substitute another breed of dog of similar size, strength and perception of aggressive tendencies, ie. Large, intimidating barking dogs.²⁶⁵

Sacks et al. similarly argue:

... a ban on a specific breed might cause people who want a dangerous dog to simply turn to another breed for the same qualities they sought in the original dog (eg, large size, aggression easily fostered). Breed-specific legislation does not address the fact that a dog of any breed can become dangerous when bred or trained to be aggressive. (Sacks et al. 2000, p.839)

In this context, the Committee notes the importance of environment (see Section 4.6.3 of this chapter) in shaping a dog's temperament. The Committee also notes that some studies have suggested that breed characteristics can be changed within a relatively short period (Rosado et al. 2007, p.172; Svartberg 2006, pp.306-8).

The Committee is unaware of any empirical studies seeking to identify whether or not this 'breed substitution' occurs in practice following the introduction of BSL. However, it notes that this is a possibility and that this strengthens the argument for policies targeting irresponsible owners (see Section 7.4 of this report).

4.8 Conclusion

Much of the evidence given to the Inquiry from both professional associations and individuals concerned with dog welfare is that approaches to dog control that are based on breed and not deed are unsupported by the evidence. The American National Canine Research Council puts it thus:

... since a majority of dogs in the U.S. are of mixed-breed ancestry that cannot be reliably identified even by professionals, since, even among purebreds, breed is an unreliable predictor of behaviour, and since most of the behaviours associated with specific breeds are only tangentially related to desirable and undesirable qualities in pet dogs, the practice of relying on breed identification as a primary guide in either pet-dog selection or dangerous-dog designation should be abandoned. As casual attributions of breed ancestry to mixed-breed dogs are inherently misleading, dog professionals should create new schema for referring to this population. The focus of predicting behaviour should shift to the particular dog's personality as developing from the interaction of genes and environment and to dogs as multifaceted individuals, bearing in mind that the guardian's choices about how to

265 Australian Veterinary Association Ltd (Victoria Division), *Submission 499*, 20 August 2015.

live with a canine companion are likely to shape the dog's behaviour. Public policy decisions should focus on the actual behaviour of both the individual dog and the human guardian. (Bradley 2011, p.viii)

A submission to the Inquiry by a practising veterinarian argues:

... the current Victorian Breed Specific Legislation for restricted breed dogs ... lacks a scientific basis, is not endorsed by the veterinary industry due to numerous flaws, is inconsistent due to its subjective nature and state inconsistencies and is outdated.²⁶⁶

Having considered the evidence presented to it and its own research, the Committee's view is that it is not clear whether or not Pit Bulls pose a higher risk to the community. Similarly, it is not clear whether or not BSL is an effective means of reducing risk.

However, the Committee considers that it is clear that there is no current way to definitively identify whether or not a dog is a Pit Bull. This poses a serious problem for BSL. As Ms Linda Watson argued in her submission:

If you cannot reliably identify a dog's breed background (and cross breed dogs add a further dimension), laws targeting breeds will never work, regardless of whether you think the original justification is valid.²⁶⁷

The problems with identifying Pit Bulls have also meant that local councils have incurred substantial costs and both owners and dogs have been placed under emotional strain through lengthy appeals which have ultimately overturned council decisions.

Given these difficulties and the fact that breed is only one among a number of factors that determine a dog's temperament, many stakeholders have argued that control and management strategies with regard to dogs should be based on individual dogs (that is, deed and not breed). Education and encouraging responsible dog ownership have also been highlighted as alternative strategies.

Part B of this report includes the Committee's view on a way forward.

²⁶⁶ Dr Belinda Oppenheimer, *Submission 15*, 21 June 2015.

²⁶⁷ Ms Linda Watson, *Submission 212*, 14 July 2015.

5

Greyhounds – A particular type of restricted breed?

5.1 Introduction

In all Australian states and territories, with the exception of the Northern Territory and some local government areas of Queensland, it is mandatory for Greyhounds to wear a muzzle in public. The RSPCA has indicated that the only other jurisdiction in the world where such a provision applies is Northern Ireland (RSPCA 2015).²⁶⁸

The *Domestic Animals Act 1994* (DAA) contains specific provisions pertaining to the breeding, regulation and control of Greyhounds.²⁶⁹ In this sense, it could be said that this is an instance of breed-specific legislation, although Greyhounds are not listed as one of the restricted breeds. The principal provisions of the Act that relate to Greyhound control are found in section 27. Section 27(1) specifies that:

If a greyhound is outside the premises of its owner and is not –

- (a) muzzled in a manner which is sufficient to prevent it causing injury by biting; and
- (b) under the effective control of some person by means of a chain, cord or leash –

the owner of that greyhound and any person for the time being in charge of the greyhound are each guilty of an offence and liable to a penalty of not more than 3 penalty units for a first offence and 5 penalty units for a second or subsequent offence.²⁷⁰

Three exemptions from these rules are included in section 27(3). The above rules do not apply to:

- (a) a greyhound which is being raced, coursed, exercised or trained upon land which the owner is authorised or entitled to use for that purpose; or
- (b) a greyhound while it is being exhibited for show purposes at a fixture conducted under the rules and regulations of the Victorian Canine Association or any successor in law of that association or an organisation approved by the Council of the municipal district in which the fixture is being conducted; or
- (c) a greyhound while it is participating in obedience trials or classes and is under the effective control of a responsible person.

²⁶⁸ See *Control of Greyhounds Act (Northern Ireland) 1950*.

²⁶⁹ Racing Greyhounds are regulated under the DAA in conjunction with Greyhound Racing Victoria's Codes of Practice and the Greyhounds Australasia Rules.

²⁷⁰ For the purposes of section 27(1)(b), control by one person of more than four greyhounds at the one time is not 'effective control' (section 27(2)).

There is also an exemption to the muzzling requirement for Greyhounds that have had their temperaments tested through the Greyhound Adoption Program and been awarded ‘green collars’.

Approximately 250 submissions to this Inquiry address Greyhound issues specifically. Of these, all but two are opposed to Greyhounds being muzzled in public. A smaller number are also opposed to other restraint controls (such as leashes or cords) being imposed. Two submissions support the status quo, including Greyhound Racing Victoria. It should be noted, however, that many of the anti-muzzling submissions the Committee received are pro forma and are rather ‘thin’ in content. In particular, 127 of the submissions are short, in some cases one sentence, and simply register the writer’s opposition to muzzling. This is particularly true of the submissions from overseas (predominantly the USA), organised by the American advocacy group Grey2K USA Education Fund.

5.1.1 Racing and non-racing Greyhounds

Dog control policy, according to some submissions, still insufficiently distinguishes between Greyhounds as racers and Greyhounds as pets.²⁷¹ A substantial number of submissions to this Inquiry question whether these restrictions are appropriate for *non-racing* Greyhounds.²⁷² They argue that, when the restrictions were introduced in 1884,²⁷³ Greyhounds were only used for racing. The growth of Greyhounds as pets, it is argued, means that the restrictions are no longer appropriate.²⁷⁴ Initially, muzzling requirements were also imposed on other breeds (such as German Shepherds) because of their apparent propensity to chase and kill sheep. Whilst the restrictions on these breeds were gradually removed, restrictions on Greyhounds have remained in place until the present day.

A number of submissions to the Inquiry agree that the current controls with regard to *racing* Greyhounds, including the wearing of muzzles as appropriate, should be maintained.²⁷⁵ It should be noted in this regard that Rule 109 of

²⁷¹ See, for example, Ms Kate Morris, *Submission 175*, 10 July 2015.

²⁷² See, in particular, Lawyers for Companion Animals, *Submission 7*, 10 June 2015; Miss Leah Eddy, *Submission 14*, 20 June 2015; Ms Saimone Oliver, *Submission 25*, 2 July 2015; Mrs Susan Tofful, *Submission 27*, 2 July 2015; GREY2K USA Worldwide, *Submission 30*, 3 July 2015; Greyhound Equality Society, *Submission 36*, 3 July 2015; Greyhound Safety Net Inc, *Submission 73*, 6 July 2015; Greyhound Rescue Victoria, *Submission 144*, 9 July 2015; The Veterinary Institute for Animal Ethics, *Submission 166*, 10 July 2015; Ms Kate Morris, *Submission 175*, 10 July 2015; Animal Liberation Queensland, *Submission 180*, 10 July 2015; Animals Australia, *Submission 183*, 10 July 2015; The Royal Society for the Prevention of Cruelty to Animals (Victoria), *Submission 489*, 14 August 2015; Australian Veterinary Association Ltd (Victoria Division), *Submission 499*, 20 August 2015.

²⁷³ Muzzling restrictions were first introduced into Victoria through section 22 of the *Dog Act 1884*.

²⁷⁴ See Greyhound Equality Society, *Submission 36*, 3 July 2015 for an account of the history of Greyhound muzzling in Victoria and, in particular, the various parliamentary debates over the last 130 years concerning the issue. For a more extensive history of Greyhound control, including the requirement for muzzles, see Duckworth 2009.

²⁷⁵ See for example, Greyhound Safety Net Inc, *Submission 73*, 6 July 2015. A submission from Kate Morris argues that the welfare of racing Greyhounds would justify such muzzling, as there is the risk of accidental bites on the track or in training from other dogs (Ms Kate Morris, *Submission 175*, 10 July 2015).

Greyhounds Australasia, the national peak body for Greyhound racing and control, requires racing Greyhounds to be muzzled and kept on a leash in general public areas.²⁷⁶ The Greyhound Equality Society submits in this respect:

Given that greyhounds registered or licensed with GRV to race, are governed by the Greyhounds Australasia Rules of Racing (GAR), which outline the restraint of racing greyhounds in a public place, **we recommend the removal of s27 from the DAA.** The removal of s27 would ensure that the legislation retains its original function in relation to community protection with regard to racing greyhounds, without the adverse consequences for greyhounds which have never raced, or have concluded their racing career and transitioned to pet life. The removal of s27 would also promote responsible pet ownership by recognising that the *duty of care in relation to muzzling and leashing resides with the greyhound's owner* and allow pet greyhound owners the same freedom and responsibility owners of other breeds currently have under Victorian law.²⁷⁷

Moreover, it is argued, if section 27 were removed, Greyhounds would still be subject to the same restraint regulations applicable to all dogs in Victoria:

Current Victorian law requires that all pet dogs must be either on-leash or, if there is an off-leash area, local council laws clearly state that dogs are required to be under the effective control of their owners. There is therefore no additional benefit from an extra layer of legislation for pet greyhounds.²⁷⁸

5.1.2 Greyhound welfare

Many submissions to the Inquiry also raise issues about Greyhound *racing* and alleged controversies relating to Greyhound welfare in this regard. This includes issues relating to live baiting, 'wastage' of Greyhounds who have been retired from racing or do not 'make the grade' and the use of chemicals as an adjunct to training. As important as such issues are, they are beyond the scope of this Inquiry and are not of themselves dealt with further in this report.²⁷⁹

5.2 The nature of Greyhounds

Much of the evidence to the Inquiry opposes the restraint of Greyhounds on the basis that muzzling is based on breed rather than individual dog behaviour and as such is a further example of breed-specific legislation. This view is exemplified in the submission of the RSPCA which states:

²⁷⁶ *Greyhounds Australasia Rules*, effective 1 January 2016, rule 109.

²⁷⁷ Greyhound Equality Society, *Submission 36*, 3 July 2015.

²⁷⁸ Greyhound Equality Society, *Submission 36*, 3 July 2015.

²⁷⁹ A report was recently prepared by Victoria's Chief Veterinary Officer on general issues pertaining to cruelty towards and welfare of Greyhounds in Victoria. For further information, see Milne 2015. The report notes that there is the potential for a 'real or perceived conflict of interest' between the roles of GRV in promoting the Greyhound racing industry and its responsibilities for Greyhound welfare. As such, one of the report's recommendations is to establish an independent but industry-funded 'Greyhound Inspectorate' to regulate animal welfare in the Greyhound industry. All recommendations in the report have been accepted by the Government (Hon. Martin Pakula MP, 'Government Crack Down on Live Baiting', media release, 11 June 2015).

There is no evidence to show that greyhounds as a breed pose any greater risk to the public compared to other dog breeds or mix of breeds... Use of muzzles on pet greyhounds, as with any dog, must be based on the behaviour displayed by the particular animal. Therefore, the RSPCA supports the complete removal of compulsory muzzling requirements for pet greyhounds while in a public place.²⁸⁰

5.2.1 Levels of aggression

Many submissions to the Inquiry make the point that, rather than being vicious or aggressive, Greyhounds are one of the gentlest and most docile of dog breeds and that this is supported in academic studies.²⁸¹ It is also claimed that Greyhounds make great assistance dogs.²⁸²

Dr Sonya Kassenboehmer of the Greyhound Equality Society spoke to the docile nature of Greyhounds when she gave evidence to the Inquiry:

... the greyhound really is known worldwide as a non-aggressive breed. It has a great reputation as a family pet. GAP on their website, for example, describe the greyhound as one of the most easygoing dogs, very lazy, docile, boasts a placid nature, cooperative, adaptable and affectionate. As I said, Australia, in particular Victoria, has one of the most stringent regulations with pet greyhounds worldwide. However, there is no evidence that in any of these jurisdictions nationally or internationally where pet greyhounds do not have to wear a muzzle that they pose a danger to the community or that they are involved in increased dog attacks or attacks on humans.²⁸³

The Committee was told that Greyhounds are rarely, if ever, aggressive to humans and only pose a danger to small animals or other dogs when inappropriately trained or if they have a high prey drive.²⁸⁴ Like the Greyhound Equality Society, the RSPCA also submits that it is unaware of any evidence of increased safety risks or dangerous incidents arising in public places in jurisdictions where there is no compulsory muzzling of Greyhounds.²⁸⁵

While noting these views, the Committee also notes the difficulties involved in associating particular characteristics with breeds and the limitations of our ability to determine the risks associated with particular breeds (see Sections 4.4 and 4.6 of this report).

280 The Royal Society for the Prevention of Cruelty to Animals (Victoria), *Submission 489*, 14 August 2015. See also RSPCA 2015 for further views of the RSPCA on greyhound muzzling.

281 See, for example, Duffy, Hsu & Serpell 2008, pp.450-1.

282 Ms Margie Edmonds, *Submission 312*, 10 July 2015.

283 Dr Sonya Kassenboehmer, President, Greyhound Equality Society, *Public Hearing*, 18 November 2015.

284 See Section 5.2.2 of this report for a discussion of what is meant by a high prey drive.

285 See RSPCA 2015 for further views of the RSPCA on greyhound muzzling.

5.2.2 Prey drive

One concern that has been put forward in favour of the restrictions on Greyhounds is that they are trained to have a predatory nature, particularly with regard to small animals. This concept of ‘prey drive’ captures the arguably inherent chasing instinct:

Greyhounds are large, strong, extremely fast, and can kill. Like all of the breeds of sight hound, they have been selectively bred over hundreds of years to chase, catch and kill their quarry – either for sport or for the provision of food for the family.

As society has evolved, many of the sight-hound breeds have become companion animals, no longer required to perform the task they had been bred to do for so long. Instead, selection has moved towards other desirable traits that enhance their ability to function in a modern society. The exception has been the racing greyhound, where the chase instinct has continued to be heavily selected for and individuals who have limited chase or predatory drive have continued to be removed from the breeding population.²⁸⁶

Greyhound Racing Victoria (GRV) stresses that any community risk from Greyhounds does not relate to aggression towards humans and that Greyhounds’ levels of dog-to-dog aggression are also typically very low. However, GRV cautions:

Instead the risk is to small animals that trigger the greyhound’s innate chase instinct – cats, small dogs and other small pets – all of which can look and behave in a manner that incites the greyhound’s prey drive.²⁸⁷

The Committee notes that dog-to-dog attacks can also pose a risk to humans, as owners seek to separate fighting dogs (see Section 2.4.3 of this report).

GRV contends that, whilst Greyhounds with lower prey drive may make suitable family pets living quite safely with small animals, those with higher prey drives may pose an unacceptable risk. GRV argues that this is why it is essential that Greyhounds are temperament-tested through a properly accredited program such as the Greyhound Adoption Program (see Section 5.4 of this chapter).

In contrast, Animals Australia and the Greyhound Equality Society argue that, as live ‘coursing’ is no longer permitted, muzzling laws are no longer necessary.²⁸⁸

However, the Committee notes that, even for those dogs completing the Greyhound Adoption Program (see Section 5.4), chasing can remain part of a Greyhound’s behaviour. One survey of people who had adopted Greyhounds through the program (in Australia or New Zealand) found that 54.2 per cent of the dogs chased or threatened to chase cats in the first month after adoption, and 25.4 per cent chased or threatened to chase small dogs (Elliott, Toribio & Wiggen 2010, p.126).

²⁸⁶ Greyhound Racing Victoria, *Submission 125*, 9 July 2015.

²⁸⁷ Greyhound Racing Victoria, *Submission 125*, 9 July 2015.

²⁸⁸ Animals Australia, *Submission 183*, 10 July 2015; Greyhound Equality Society, *Submission 36*, 3 July 2015.

Some supporters of the removal of section 27 of the DAA do acknowledge that there will be some Greyhounds who are *not* suitable as pets.²⁸⁹ However, it is suggested that the dangerous and menacing dog provisions of the DAA (see Section 3.3.3 of this report) could be used for those dogs that may not be suited to being near small animals such as cats or possums. These provisions include the ability to require particular dogs to wear muzzles.

5.3 Muzzling

5.3.1 The negative consequences of muzzling

It is argued that the wearing of muzzles promotes the misapprehension that Greyhounds are dangerous or vicious or that they must be an aggressive breed – the ‘where there’s smoke, there’s fire’ phenomenon.²⁹⁰ Because of these misapprehensions, Greyhound rescue and adoption groups may find it hard to get adopters in sufficient numbers. Greyhound Rescue Victoria told the Committee:

Quite often people inquire about our greyhounds, but then do not adopt a greyhound from us because of the muzzle law. This is the feedback we receive when we ask why they did not adopt in the end.²⁹¹

This is a potentially significant problem, as a large number of Greyhounds are euthanased each year. The Greyhound Equality Society told the Inquiry that the vast majority of Greyhounds whelped in Victoria each year are euthanased, although the estimates are unreliable as record keeping is inconclusive.²⁹² Many of the dogs are euthanased because they are either at the end of their racing lives or have not been suitable for racing:

The main reasons to retire are simply that the dog is just not fast enough because of age and because of previous injury. There are many perfectly healthy dogs that are just too old and therefore not fast enough to be competitive in a race, and there are obviously many dogs that have previous injuries that stop them from being fast enough. Those dogs that are rehomed are like a broad spectrum of those who are perfectly healthy and those that have previous injuries. These are the kinds of dogs we would see being rehomed.²⁹³

Greyhound Rescue Victoria estimated that ‘currently only 10% of the greyhounds bred each year live out a full life as a pet after their racing career has finished.’²⁹⁴

²⁸⁹ Ms Kate Morris, *Submission 175*, 10 July 2015.

²⁹⁰ Mr Martin Scerri, *Submission 20*, 1 July 2015; Greyhound Rescue Victoria, *Submission 144*, 9 July 2015. One submission relates the experience of living in an apartment building with a muzzled greyhound: ‘The reactions to her muzzle ranged from fear most frequent, disapproval and occasionally abuse that I was keeping a “dangerous dog”.’ (Ms Saimone Oliver, *Submission 25*, 2 July 2015).

²⁹¹ Greyhound Rescue Victoria, *Submission 144*, 9 July 2015 (emphasis in original); cf. Greyhound Equality Society, *Submission 36*, 3 July 2015.

²⁹² The Greyhound Equality Society noted estimates of 16,000-18,000 Greyhounds a year being euthanased in Australia (Dr Sonya Kassenboehmer, President, Greyhound Equality Society, *Public Hearing*, 18 November 2015). Animals Australia estimated around 5,000 a year in Victoria (Animals Australia, *Submission 183*, 10 July 2015).

²⁹³ Dr John Haisken-DeNew, Secretary, Greyhound Equality Society, *Public Hearing*, 18 November 2015.

²⁹⁴ Greyhound Rescue Victoria, *Submission 144*, 9 July 2015.

Dr Kassenboehmer of the Greyhound Equality Society told the Committee:

The current muzzle law leads to unnecessary barriers in greyhound adoption rates and thereby increases euthanasia rates for healthy dogs that have finished their racing careers. Clearly the muzzling law is a clear disincentive for the public to adopt retired racing greyhounds, and this is what the rescue organisations have reported back to us when rehoming these dogs. Greyhounds adopted through GAP [the Greyhound Adoption Program – see Section 5.4 of this chapter] have been granted an exemption... this only constitutes a small proportion of the total greyhounds and more are adopted out through rescue organisations other than GAP. These now all have to be muzzled.²⁹⁵

Dr Kassenboehmer also gave evidence that there are inconsistencies of laws across Australian states when it comes to the rehoming of Greyhounds:

... even within Australia, between the Australian states, there are differences. In some states greyhounds have to be muzzled. In some states pet greyhounds do not have to be muzzled, such as in the Northern Territory or in some parts, or actually most parts, of Queensland. Then, furthermore, this green collar test, the green collar exemption, also varies between states. Some states, such as Victoria, require a four or five-day kennel stay, and some states do not require a kennel stay. Furthermore, currently government and the racing industry are looking for ways to reduce the killing of unprofitable greyhounds. Changing this law would be a simple policy change that can be implemented now to help address the problem, because clearly the muzzle puts a lot of people off from adopting a greyhound. Therefore we recommend a removal of section 27 from the Domestic Animals Act.²⁹⁶

Similar comments were made in an information paper by the RSPCA:

Current greyhound muzzling requirements contribute to negative public misperceptions about greyhound temperaments and their suitability as pets. Many members of the public are not aware that compulsory muzzling requirements are in place and therefore many people mistakenly conclude that greyhounds are muzzled due to an aggressive and dangerous temperament. In reality, greyhounds generally have friendly and gentle dispositions. Unfortunately this misperception has major ramifications on greyhound rehoming.

Greyhounds that do not require a muzzle for safety reasons should be able to travel in public unmuzzled. This would assist in improving the image of greyhounds as suitable pets and contribute to an increase in rehoming rates. This is a critical issue as current rehoming rates for greyhounds that are discarded by the greyhound racing industry are very low.²⁹⁷

Some submissions also argue that muzzling reduces the opportunities for Greyhounds to socialise with other dogs and learn appropriate behaviours. For example, Animals Australia stated:

From a welfare perspective, Animals Australia concurs with Greyhound Equality Society that a muzzle prevents a greyhound from being able to engage in proper dog-to-dog socialization, which is crucial once a greyhound has finished racing.

²⁹⁵ Dr Sonya Kassenboehmer, President, Greyhound Equality Society, *Public Hearing*, 18 November 2015.

²⁹⁶ Dr Sonya Kassenboehmer, President, Greyhound Equality Society, *Public Hearing*, 18 November 2015.

²⁹⁷ RSPCA (2015).

This will not only impact on how the greyhound interacts with other dogs, but also adversely affects how other dogs, and arguably people, may interact with the greyhound. This will have implications for the rehoming prospects of the greyhound.²⁹⁸

The Committee was told that the wearing of muzzles can also result in a Greyhound not being able to defend itself from attack by other dogs.²⁹⁹

A submission from the GREY2K USA Worldwide Greyhound advocacy group states that muzzles should only be used, if at all, in initial introductions between Greyhounds and other small pets – never as a long term solution or for any other reason.³⁰⁰

5.3.2 Alternatives to muzzling

Ultimately it is the view of those who wish to repeal section 27 of the DAA that muzzling should be at the discretion of owners.³⁰¹ As such, education in responsible rearing, control and training of Greyhounds is essential. Dr Kassenboehmer noted in this context ‘the owner’s ongoing monitoring and training, which responsible dog ownership involves’.³⁰² Her colleague Dr Haisken-DeNew also spoke to the effectiveness of good training of Greyhounds once in the adopted home:

The motto of our group is educate, not legislate. I think that specifically our dog’s behaviour has been changed dramatically, and the behaviour of many greyhounds that I have seen, the vast majority has been improved simply through dog training. We have had massive successes in dog training. We were told at the beginning, ‘You can’t train a greyhound, they won’t do anything’. Our greyhound is very easily trainable. They are trained and re-educated, and they are very happy to do this. Even our dog that was very industry-oriented, wanting to win – and prey drive – and she is a wonderful family pet now. We have seen this across the board with all the other greyhounds. Any greyhound that we have been introduced to, this has sort of been the focus, of taking the dog to dog training and allowing the dog to learn, relearn and know what is an appropriate social behaviour, and they do this.³⁰³

It is argued that muzzling, if absolutely necessary, should be confined to individual dogs (of any breed) who have demonstrated behaviour that requires some form of restraint in public. As stated by the Greyhound Equality Society:

There is also enough already in the current laws to ensure that greyhounds have to be under the effective control of their owners, even if under this law the muzzle could be removed. The current Victorian law requires that all pet dogs must be on leash, or if

²⁹⁸ Animals Australia, *Submission 183*, 10 July 2015.

²⁹⁹ See for instance Greyhound Equality Society, *Submission 36*, 3 July 2015; Mrs Susan Tofful, *Submission 27*, 2 July 2015; Mr David Larter, *Submission 321*, 10 July 2015.

³⁰⁰ GREY2K USA Worldwide, *Submission 30*, 3 July 2015.

³⁰¹ See, for example, Miss Leah Eddy, *Submission 14*, 20 June 2015; Mrs Susan Tofful, *Submission 27*, 2 July 2015; Animals Australia, *Submission 183*, 10 July 2015; The Royal Society for the Prevention of Cruelty to Animals (Victoria), *Submission 489*, 14 August 2015.

³⁰² Dr Sonya Kassenboehmer, President, Greyhound Equality Society, *Public Hearing*, 18 November 2015.

³⁰³ Dr John Haisken-DeNew, Secretary, Greyhound Equality Society, *Public Hearing*, 18 November 2015.

there is an off-leash area, local council laws clearly state that the dogs are required to be under the effective control of their owners, and of course that still holds for pet greyhounds. Racing greyhounds would still need to wear a muzzle as they would fall under the Greyhounds Australasia rules, which outline the control of a greyhound registered with GRV for the purpose of racing in public. Therefore further regulations are superfluous.³⁰⁴

Some submissions take a ‘leash yes – muzzle no’ approach to Greyhound control. With this approach, Greyhounds would still need to be restrained by a leash in public but not muzzled.³⁰⁵ Though Greyhound Rescue Victoria opposes compulsory leash requirements, it agrees that leashes are sufficient to control individual dogs with high prey drives.³⁰⁶

In supporting her case for a ‘leash yes – muzzle no’ approach, Ms Kate Morris argues that, ‘many dog owners lack the necessary skills to effectively control their dogs’ and notes that, ‘many owners, particularly first time owners, do not fully understand the risks until after their dog has been injured or worse.’³⁰⁷

Greyhound Racing Victoria expresses similar concerns, arguing that, ‘Once a greyhound’s prey drive is triggered they are no longer “under effective control”.’³⁰⁸ The organisation further explains:

Once triggered, the greyhounds with a high prey drive become non-responsive to commands, show a marked physiological response, and become very difficult to handle. They become solely focused on the moving ‘prey’ and will chase without heeding danger if given the chance. This puts not only the small animal at risk, but also poses a risk to the greyhound itself, with many greyhounds running onto roads and getting killed as they chase, or injuring themselves as they hit objects or fences at speed.³⁰⁹

Greyhound Racing Victoria believes that both leash and muzzle laws should be retained.

5.3.3 The Committee’s view

The Committee notes the negative consequences of muzzling, particularly the possibility that it makes rehoming Greyhounds more difficult. However, the Committee considers that there is a risk to small animals from some ex-racing Greyhounds due to their prey drive (see Section 5.2.2). The key question for the Committee is therefore: what restrictions are required to manage the risk?

The Committee’s view is that the leash requirement, combined with general laws requiring owners to have their dogs under effective control in public (and the ability to declare a dog menacing or dangerous when required), should

³⁰⁴ Dr Sonya Kassenboehmer, President, Greyhound Equality Society, *Public Hearing*, 18 November 2015.

³⁰⁵ Ms Kate Morris, *Submission 175*, 10 July 2015.

³⁰⁶ Greyhound Rescue Victoria, *Submission 144*, 9 July 2015.

³⁰⁷ Ms Kate Morris, *Submission 175*, 10 July 2015.

³⁰⁸ Greyhound Racing Victoria, *Submission 125*, 9 July 2015.

³⁰⁹ Greyhound Racing Victoria, *Submission 125*, 9 July 2015. This is also a view espoused by the Greyhound Equality Society, see Greyhound Equality Society, *Submission 36*, 3 July 2015.

be sufficient to manage non-racing Greyhounds. The Committee therefore recommends that the muzzling requirement be repealed. However, given the possibility that some Greyhounds may have higher prey drives, the Committee believes that the leash requirement in the Act should be retained.

RECOMMENDATION 2: That the requirement for non-racing Greyhounds to be muzzled in section 27(1)(a) of the *Domestic Animals Act* 1994 be removed.

The Committee recognises that this places some additional obligation on the owners of Greyhounds to be responsible. Education and ways to encourage responsible dog ownership are discussed in Chapters 6 and 7 of this report.

The Committee also considers that it is advisable to test the temperaments of ex-racing Greyhounds prior to them being rehomed. This should be encouraged as part of responsible pet ownership (see Section 5.4 of this chapter).

5.3.4 Off-leash areas

GRV also argues that, if the on-leash rule remains, there should be more ‘designated areas where greyhounds (as well as other pet dogs) can be safely confined when off-leash.’³¹⁰ GRV explains:

Many municipalities across Victoria have off-leash areas for dogs, some fenced and others not, but there is usually a mix of large and small breed dogs in the same areas all at once, as these spaces are limited. The inability for owners of all breeds to be able to exercise their dogs off-leash in an area that minimises risk to both their own dog and to other dogs means high-risk dogs may be placed into situations that end poorly.

Fenced areas provide protection to the greyhound if it does decide to run and chase, and also provides safety to smaller pets who can be excluded from the area whilst the greyhounds run free.³¹¹

The Committee agrees that this would be beneficial and considers that local councils should be encouraged to provide fenced areas where Greyhounds and other dogs can run and socialise off-leash.

RECOMMENDATION 3: That the Department of Economic Development, Jobs, Transport and Resources explore ways to encourage local councils to establish secure (fenced) public areas in new or existing public parks where dogs including Greyhounds can be socialised and exercised off leash.

5.4 Temperament testing, adoption and rehoming

Under section 5 of the DAA, the Governor in Council may exempt an animal from any of the provisions of the Act. This has been done in the case of muzzling for Greyhounds who have successfully completed the temperament testing

³¹⁰ Greyhound Racing Victoria, *Submission 125*, 9 July 2015; see also Ms Lucy Chesser, *Submission 28*, 2 July 2015.

³¹¹ Greyhound Racing Victoria, *Submission 125*, 9 July 2015.

conducted by Greyhound Racing Victoria and obtained their ‘green collars’. GRV’s Greyhound Adoption Program (GAP) is currently the only program in Victoria that allows rehoming or adoption of Greyhounds *and* the removal of the muzzling requirement.

5.4.1 The Greyhound Adoption Program

A submission from GRV describes the GAP process as follows:

Greyhounds that are adopted via the GAP program undergo a thorough temperament assessment to ensure that they are safe around small dogs, and that they are safe to go unmuzzled in public with a novice pet owner. Most greyhounds that enter the program will undergo a period of foster care prior to adoption. During the foster period volunteers located across Victoria offer their homes and their time to assist the greyhounds with their transition from the track and life in a kennel environment to life in a family home.³¹²

After successfully completing the program, Greyhounds are allowed to go into public places without wearing a muzzle, provided they are wearing their green numbered GAP collars. It is still illegal to let any Greyhound (GAP dogs included) off-leash in public except for those times and places as designated in section 27(3) of the DAA (see Section 5.1 of this chapter).

The Victorian GAP testing and training protocol has been adapted at the national level and used by programs in other states. Similar programs operate in the UK and USA (Elliott, Toribio & Wigney 2010, p.122).

5.4.2 The view of Greyhound Racing Victoria

GRV claims that its adoption and rehoming program is a success, though it acknowledges that it would always be desirable to see fewer Greyhounds euthanased each year. GRV states that it works collaboratively with animal welfare organisations such as the RSPCA and other Greyhound adoption societies to ensure as many Greyhounds as possible are adopted. For example, GRV provides training assessments to Greyhound Safety Net allowing dogs rehomed through that program to be eligible for the muzzle exemption.³¹³

GRV does not believe that all Greyhounds are suitable as family pets – those with lower prey drive clearly being more suitable to a home, particularly where small animals may be present.³¹⁴ GRV argues that it is therefore important to ensure that Greyhounds who are rehomed or adopted have first been sufficiently tested as having a suitable temperament and low prey drive:

³¹² GRV also runs the *Prison Pet Partnership*, which encourages prisoners at low-security Victorian prisons to act as foster carers for greyhounds. The greyhounds live with the vetted prisoners for a six-week period whilst they undergo training and socialisation (Greyhound Racing Victoria, *Submission 125*, 9 July 2015).

³¹³ Greyhound Racing Victoria, *Submission 125*, 9 July 2015.

³¹⁴ Greyhound Racing Victoria, *Submission 125*, 9 July 2015.

All greyhounds undergoing assessment have to pass the GAP National Temperament Test. This testing protocol was developed by Veterinary Behaviourists and endorsed by the AVA Queensland Division, combining current best practice temperament assessment protocols from around the world, aimed at being repeatable, consistent and un-emotional. The difference between the GAP test and tests at other shelters is that there are stepped criteria at the end of the assessment that deliberately test for prey-drive and arousal when faced with a small animal that is moving quickly. It is not simply a dog-to-dog interaction test looking for inter-dog aggression.³¹⁵

In short, GRV believes that temperament testing needs to always include a testing of potential prey drive rather than just dog-to-dog sociability. In particular, testing should concentrate on whether the Greyhound is likely to be safe when exposed to small dogs or cats before it is given its green collar exemption.³¹⁶

GRV also considers that a benefit of the program is that it ‘provides an opportunity for education of the new owner in regards to the unique aspects of the breed, and how they can best manage their greyhound as part of a responsible dog ownership program.’³¹⁷

5

5.4.3 Criticisms of the Greyhound Adoption Program

Some of the submissions to this Inquiry have criticised the operation of the muzzling exemption, particularly on the basis that GAP is administered by GRV, the State’s industry racing body. Concern has been expressed about the nature of the program and the fact that other independent Greyhound adoption and rescue groups are not allowed to administer temperament tests.

Animals Australia stated:

We also hold grave concerns whether the “green-collar” test – which exempts greyhounds from the muzzle requirement and is currently conducted by GAP Victoria – accurately predicts a greyhound’s prey drive and general temperament. The test currently requires a 4-day kennel stay at the GAP kennels in Seymour, where the greyhound is away from its owner, kenneled in a new environment, and will likely be confused and anxious. We believe that education about responsible pet ownership would be much more effective in protecting the community than a potentially erroneous test.³¹⁸

The Greyhound Equality Society, whilst not critical of GAP, argues that changing circumstances (in particular, the number of healthy Greyhounds who are euthanased each year) require that GAP’s adoption service be supplemented by other alternatives:

In 1999 a muzzle exemption was granted to GAP... At the time this was quite a pragmatic and efficient way to make sure that all pet greyhounds were muzzle free. However, since then, more and more adoption groups have formed to deal with the

³¹⁵ Greyhound Racing Victoria, *Submission 125*, 9 July 2015.

³¹⁶ For further details of the National GAP Testing Protocol, see ‘Appendix One: History of the GAP Greyhound Testing Protocol’ in Greyhound Racing Victoria, *Submission 125*, 9 July 2015.

³¹⁷ Greyhound Racing Victoria, *Submission 125*, 9 July 2015.

³¹⁸ Animals Australia, *Submission 183*, 10 July 2015.

increased demand of adopting and rehoming pet greyhounds, and this demand is still increasing. Therefore it is time that this law should be reviewed to reflect these changed circumstances.³¹⁹

Other submissions from Greyhound welfare, rescue and adoption groups and individuals indicate more specific concerns about GRV and GAP. Some of these concerns include that:

- there is an inherent conflict of interest because GAP is run by GRV, which is the State’s industry group. Opposition to the racing industry by Greyhound welfare groups can therefore be compromised by the need to use GAP
- the process of adoption is expensive and there are long waiting lists to get one’s dog into the program, reducing the pool of possible adopters.³²⁰

Submissions have also expressed concern that dogs have to board for a week at the GAP training centre in Seymour. It is claimed this produces anxiety and fear in dogs which is not conducive to being able to accurately assess the dog’s temperament:

Our adopters consistently report back to us that they are very concerned about their greyhound’s welfare when locked in a kennel for a further 4-6 days while being tested in the GAP kennels in Seymour. This puts the greyhound through great distress after months of being rehabilitated by us. The greyhound will very likely think that it has been abandoned once again. It is unreasonable to assume, that a greyhound will behave perfectly in this stressful kennel environment, without seeing its owners for days, surrounded by other stressed out greyhounds in the kennels, with complete strangers in an unfamiliar environment. The greyhounds that go through this testing will suffer from a lack of attention, due to lack of staffing, and will have to spend the 4-6 days on unfamiliar bedding on concrete floors and surrounded by cyclonefencing.³²¹

It has also been claimed there are problems with the content of GAP training and the requirements to successfully obtain a green collar. It is claimed that a ‘moment in time’ assessment procedure is not a particularly good judge of temperament generally.³²² In this regard the Greyhound Equality Society states:

The reliability of the “green collar” test is uncertain, given that there is no evidence of any special skills or certification held by the GAP testing officials (as opposed to “testers” in other rescue groups) and no external validity of the test carried out. The current assessment is a small “snapshot” of the dog on the testing day, and cannot be expected to ascertain properly the dog’s true temperament, due to mitigating factors such as stress, largely due to being in a kennel environment and away from its owner who is not permitted to attend the testing process. The test also does not take into account the future development of the dog, which has the potential to change over a period of time.

³¹⁹ Dr Sonya Kassenboehmer, President, Greyhound Equality Society, *Public Hearing*, 18 November 2015; cf. Greyhound Safety Net Inc, *Submission 73*, 6 July 2015.

³²⁰ Miss Leah Eddy, *Submission 14*, 20 June 2015; Mrs Stella Berthet, *Submission 29*, 2 July 2015; Ms Paige Stokes, *Submission 304*, 10 July 2015.

³²¹ Greyhound Rescue Victoria, *Submission 144*, 9 July 2015. See also Miss Leah Eddy, *Submission 14*, 20 June 2015; Ms Saimone Oliver, *Submission 25*, 2 July 2015.

³²² Ms Michelle Edwards, *Submission 299*, 9 July 2015.

Our veterinary advisor, Dr Karen Dawson, has herself assessed over 600 greyhounds for re-homing or muzzling exemption, and it is her observation that a dog's temperament cannot be properly assessed in a stressful kennel environment where it is likely simply to "shut down" psychologically, leading to fundamentally erroneous assessments. We believe the current assessment has the real potential to set a dog up for failure...³²³

It is argued by some submitters that successfully completing the GAP testing does not guarantee that the prey drive will disappear. Greyhound Rescue Victoria explained:

What is worrying for community protection is however, that there a widespread belief and faith of adopters and the general public that GAP greyhounds are for now and the rest of their lives completely safe with small dogs. We hear similar stories again and again from people who adopted a dog from GAP, thinking that this dog's character is somehow better than a dog adopted from us, only later to find out that the assessment was erroneous. Similarly, some of our adopters have reported back that our greyhounds have failed the green collar test, when the greyhound currently lives happily together with small dogs.³²⁴

Similarly a submission from the Greyhound Equality Society states:

The green collar test may bestow a false sense of security on some owners whose dog was either wrongly assessed, or has changed its temperament over a period of time... [The Greyhound Equality Society] has encountered numerous examples of greyhounds that were awarded a green collar and the new owner was not made aware of – and therefore underestimated – the greyhound's reactivity to other dogs. Then in contrast, we have also witnessed greyhounds who have failed the test and who have repeatedly demonstrated that they are completely safe around other dogs.³²⁵

The Committee notes the assessment of Australian and New Zealand GAPs by Elliott, Toribio and Wigney, which found that, even after completing the program, many Greyhounds still had problems with chasing or threatening to chase small dogs and cats (Elliott, Toribio & Wigney 2010, p.126).

Various concerns about temperament testing in general are discussed in Section 7.6 of this report.

According to the Greyhound Equality Society, the possible fallibility of the test shows the importance of how a dog is trained and kept once it enters the adopter's home. It:

... emphasizes, that a one-off test of whether a greyhound is "safe" or "unsafe" is **no substitute** for the ongoing monitoring and training that responsible dog ownership involves.³²⁶

³²³ Greyhound Equality Society, *Submission 36*, 3 July 2015. See also Greyhound Rescue Victoria, *Submission 144*, 9 July 2015.

³²⁴ Greyhound Rescue Victoria, *Submission 144*, 9 July 2015.

³²⁵ Greyhound Equality Society, *Submission 36*, 3 July 2015.

³²⁶ Greyhound Equality Society, *Submission 36*, 3 July 2015. See also Greyhound Rescue Victoria, *Submission 144*, 9 July 2015.

Greyhound welfare and support bodies more generally believe that a greater number and variety of Greyhound advocacy and welfare groups should be able to administer the GAP test or an equivalent. This would provide for more rehoming and adoption of dogs that would otherwise be euthanased:

GAP is the largest greyhound rehoming group and is the only group exempt from the muzzling requirement, but it *cannot* take in all the greyhounds available for rehoming. Significant numbers of pet greyhounds rehomed by other groups and shelters (such as GSN, RSPCA, the Lost Dogs Home, Australian Animal Protection Society and Animal Aid) are penalised by being excluded from the muzzling exemption, or by the restrictions and problems in accessing GAP's exemption.³²⁷

Similarly, Greyhound Rescue Victoria states:

... GAP only rehomes those greyhounds, which have passed the green collar test. Those dogs, which did not pass, are either euthanized or handed back to the owner with an unclear destiny for the greyhound – if it is not surrendered to us (or the other main rescue groups in Victoria: Amazing Greys or Greyhound Safety Net). The test is far too strict and leads to unnecessarily high euthanasia rates. It is unreasonable to expect every recently retired greyhound to pass the green collar test immediately. Even a greyhound, which fails the test (hence has overly high prey drive), **can be rehomed**, as it is all about finding the right home for such dogs and educating the owner. Around half of the greyhounds we see who have failed GAP, can be rehomed by us – simply by giving them some time to calm down and adapt to life as a pet.³²⁸

These groups believe alternative tests can be designed that are shorter and do not require the dog to go into boarding facilities.

The Greyhound Equality Society argues that, should section 27 of the DAA and the GAP continue, there should be:

- i. Measures to enable more competition in the testing market, to generate a wider choice of locations and pricing options.
- ii. Greater transparency and accountability in the testing process, including a veterinarian-administered accreditation system for testers.
- iii. Greater involvement of greyhound adopters in the testing process, including specific information provided to adopters about how each individual dog performed in the test. This will better support the goal of owner education and responsible dog ownership, which GES shares with the Committee.
- iv. A nationally recognised greyhound fact sheet endorsed by the AVA and written by a panel of experts consisting of suitably qualified persons such as AVA members, RSPCA and greyhound specialist vets and veterinary behaviourists.³²⁹

³²⁷ Greyhound Safety Net Inc, *Submission 73*, 6 July 2015. See also Ms Kate Morris, *Submission 175*, 10 July 2015.

³²⁸ Greyhound Rescue Victoria, *Submission 144*, 9 July 2015 (emphasis in original); cf. Greyhound Equality Society, *Submission 36*, 3 July 2015.

³²⁹ Greyhound Equality Society, *Submission 36*, 3 July 2015.

5.4.4 Independent evaluation

The Committee is aware of only one formal study assessing GAP in Victoria (Elliott, Toribio & Wigney 2010). This study assessed the outcomes for 193 dogs adopted through GAPs in Australia and New Zealand (including Victoria) based on owner surveys. The study found positive results for the program, with 91.1 per cent of adopters ‘very satisfied’ with their dog and a return rate after one month that was lower than the return rate of shelter dogs. The study notes, however, that it had a relatively small data set and considered only a short period of time.

In addition, the Committee considers that an important point of comparison would be satisfaction levels and return rates for Greyhounds adopted through other programs, rather than dogs of other breeds adopted from shelters. Based on currently available data, it is not possible to identify the extent to which GAP is making a difference and is actually responsible for the good outcomes. It is not possible to assess the claims made to the Committee that GAP’s criteria are too stringent.

A more in-depth evaluation of the GAP is an area where additional research would be helpful in determining what is needed to successfully rehome Greyhounds.

RECOMMENDATION 4: That the Department of Economic Development, Jobs, Transport and Resources fund a formal, independent evaluation of Greyhound Racing Victoria’s Greyhound Adoption Program to identify its level of success at effectively testing the temperament of Greyhounds for rehoming. In particular, the evaluation should seek to determine which elements are essential to the program and which elements, if any, are unnecessary or can be undertaken by other groups or organisations. As part of the evaluation, alternate programs for rehoming Greyhounds and for increasing the number of Greyhounds that are assessed and rehomed should also be examined.

5.4.5 Increasing the number of options for assessing the temperaments of Greyhounds

The Committee believes that there would be significant benefits to increasing the availability of temperament testing. The Committee considers that some ex-racing Greyhounds may not be suitable to rehoming due to high prey drives. Temperament testing is important in identifying these dogs and encouraging the adoption of dogs that are more suitable to a domestic environment.

Greyhound Racing Victoria’s GAP is the only temperament-testing program currently recognised for exemption from the muzzling requirement. Other Greyhound rehoming agencies, though, also conduct temperament testing prior to rehoming. However, there may be a variety of different techniques and standards used across these agencies. The Committee therefore considers that there should be an accreditation program so that potential adopters can know whether appropriate temperament testing has taken place.

This becomes particularly important if the muzzling requirement is removed, as recommended by the Committee (see Section 5.3.3 of this chapter). Temperament testing will help owners to have a better understanding of the risks associated with their individual dog and help them to decide on an appropriate level of restraint for their dog.

If the Government decides not to remove the muzzling requirement, the Committee considers that the number of temperament-testing programs that can award green collars should be expanded. This would enable more Greyhounds to be unmuzzled in public and mitigate some of the disadvantages of muzzling, as set out in Section 5.3.1 of this chapter.

In New South Wales, the Greenhounds program enables a larger number of entities to become qualified to administer re-training programs and individuals to conduct assessments of Greyhounds' temperaments. People with existing pet greyhounds can undertake a re-training program in their own homes and then have the dog independently assessed.³³⁰ Assessors must have a Certificate IV in Companion Animal Services or be a veterinarian and complete a one-and-a-half-day specific course.³³¹

The Greenhounds program was noted by the Greyhound Safety Net in its submission as one of three recommended options for Victoria.³³² The Committee believes that the Greenhounds program should be considered as part of any new system in Victoria.

In addition, the Committee believes that any findings from an evaluation of the existing GAP (as recommended in Recommendation 5.3) should also be factored into any system of accrediting temperament-testing programs.

The Committee notes that any individual Greyhound that displays aggressive behaviour subsequent to testing would still be subject to menacing and dangerous dog declarations if appropriate.

As the large number of Greyhounds needing rehoming is a product of the Greyhound racing industry, the Committee considers that it would be appropriate for any such program to be funded by the Greyhound racing industry.

RECOMMENDATION 5: That the Department of Economic Development, Jobs, Transport and Resources develop a system to accredit multiple agencies, organisations and individuals to conduct Greyhound temperament testing. Accreditation would provide prospective owners with assurance that the temperament testing undertaken by the agency, organisation or individual is of an appropriate and consistent standard. In developing a new system, the Department should consider the Greenhounds program from New South Wales and the results of any evaluation conducted as recommended in Recommendation 4 of this report.

³³⁰ Greenhounds, 'I Have an Existing Pet Greyhound' <www.greenhounds.com.au/i-have-an-existing-greyhound.html>, accessed 25 January 2015.

³³¹ Greenhounds, 'Apply to Become an Approved Assessor' <www.greenhounds.com.au/apply-to-become-an-approved-assessor.html>, accessed 25 January 2015.

³³² Greyhound Safety Net Inc, *Submission 73*, 6 July 2015.

RECOMMENDATION 6: If the Government decides not to remove the muzzling requirement from section 27(1)(a) of the *Domestic Animals Act 1994*, agencies and individuals accredited as per Recommendation 5 should be able to award green collar exemptions to the muzzling provision to any Greyhounds passing their testing.

5.5 Conclusion

Greyhounds are currently subject to special requirements to be muzzled and leashed at all times in public unless they have successfully completed a temperament test by Greyhound Racing Victoria. This reflects the fact that some Greyhounds may have high ‘prey drives’, which may lead them to chase small animals (including small dogs and cats). This can cause harm to these other animals and the Greyhounds.

The Committee heard that the muzzling requirement has a number of negative consequences for Greyhounds. In particular, the Committee was told that it makes people more reluctant to adopt Greyhounds. Given that large numbers of Greyhounds are euthanased because homes cannot be found for them, this is a serious consequence.

The Committee considers that the requirement for Greyhounds to be leashed when in public, along with the provisions in the DAA to deal with dangerous or menacing dogs, should be sufficient to manage ex-racing Greyhounds. The Committee has therefore recommended the removal of the muzzling requirement for all Greyhounds that are not racing.

However, the Committee understands that there may be some individual Greyhounds with high prey drives who may not be suitable to rehoming. The Committee therefore believes that temperament testing is an important part of Greyhound rehoming. To assure Greyhound adopters that their dogs have been suitably tested, the Committee considers that an accreditation process should be developed for Greyhound temperament testing. The Committee believes that accredited temperament testing should not be restricted to Greyhound Racing Victoria.

Part B

Strategies to address the problem

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6 Education strategies

6.1 Introduction

Strategies such as the strict enforcement of regulatory provisions and incentives for dog owners to be responsible are important parts of the overall approach to controlling dogs and reducing injuries. These are discussed further in Chapter 7 of this report. However, many researchers in the area of dog management have also stressed the importance of *education* strategies as a way to reduce dog attack and dog bites (Sacks et al. 2000; Gilchrist et al. 2008; De Keuster 2005; Clarke 2009).³³³

All of the major veterinary and animal welfare organisations (including the RSPCA, DOGS Victoria, Animals Australia and the Australian Veterinary Association) endorse education as a key part of effectively managing dogs in the community and maintaining the balance ‘between the need to protect the health and safety of humans and other animals and the need to ensure the welfare of dogs’.³³⁴

Bradley says in this regard:

Information should be widely disseminated – especially to children and their parents – about safe ways to interact with dogs, and education for responsible dog guardians should include instruction on sound husbandry, to guide the range of decisions that each guardian makes regarding how to live with and care for a canine companion. (Bradley 2014, p.2)

Duckworth has stated, in the Australian context:

The old style approach to animal management in the local community relied mainly on using regulation to force people to be responsible pet owners. However, many of the problems associated with pets are the result of people’s ignorance. So, even when people feel inclined to comply with pet bylaws, they may be unable to comply because they don’t know how. ... even if the dog owner does know, he or she may not know how to remedy the problem. (Duckworth 2009, p.308)

Much of the evidence given to the Inquiry also stressed the importance of education in reducing dog attacks and promoting responsible dog ownership. For example, Mr Bill Bruce, former Director of Animal Services for the City of Calgary, echoing Duckworth’s comments above, told the Inquiry that:

³³³ The need for a change in the culture of dog ownership and the occasional ‘cavalier’ approach to dog training by some owners was also raised by numerous speakers in the Victorian Parliamentary Debates on various iterations of the Domestic Animals Act. It was acknowledged across the political divide that regulation and enforcement must be accompanied by community educational approaches to dog ownership and care. See, for example, *Victorian Parliamentary Debates*, Legislative Council, 20 February 2014, p.466 and 26 March 2014, p.895.

³³⁴ The Royal Society for Prevention of Cruelty to Animals, ‘PolicyA08 Dog Management’ <kb.rspca.org.au/RSPCA-Policy-A08-Dog-management_596.html>, accessed 16 March 2016.

... regulations on their own are not the whole answer. What do we need to do that supports that? Of course the prime one for that is public education to support the regulation. People need to know what the rules are, know how the rules are applied, what their responsibilities are. It is the most powerful tool to change human behaviour. What we are trying to do here is modify human behaviour. If we modify human behaviour to responsible pet ownership, the animal issues will look after themselves. The animal takes its cues from the leadership in the home, which is the human.

We want knowledgeable citizens – why the rules exist, why they work, why we need them. Give people good information that supports making good choices. That goes to everything from taking care of a dog to what kind of dog you should get.³³⁵

DOGS Victoria similarly stated:

Education is always the key. We believe in education; education should start right from the start... 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.³³⁶

This chapter starts by looking at what education is needed in relation to dogs and who needs to be educated. Three key areas of education have been particularly highlighted in this Inquiry:

- how to safely interact with dogs
- how to appropriately care for a dog, including training and socialisation
- how to select an appropriate dog.

The chapter then looks at the programs currently being offered in Victoria. Programs are offered by several providers, including the State Government, local councils and non-government groups. The Committee notes that much good work is being done in Victoria. Independent evaluations have assessed Victoria's State Government programs positively (see Section 6.4.2 of this chapter) and some of these programs have been adopted by New South Wales and South Australia (Department of Economic Development, Jobs, Transport and Resources 2015, p.11). In addition, the Committee notes a wide variety of programs offered by local councils.

This chapter also examines programs in two other jurisdictions that were highlighted in the Inquiry (the City of Townsville in Queensland and the City of Nedlands in Western Australia). Townsville is notable for featuring a more aggressive campaign to try to communicate the risk of dog attacks. Nedlands is notable for providing a range of services to assist dog owners with behavioural problems and trying to make the relationship between animal management officers and the public collaborative rather than adversarial. These are both positive approaches that may be valuable in Victoria.

³³⁵ Mr Bill Bruce, former Director of Animal Services, City of Calgary (Canada), *Public Hearing*, 20 October 2015.

³³⁶ Ms Terri MacDonald, Member, DOGS Victoria, *Public Hearing*, 10 November 2015.

The chapter finishes by noting the important role that the media play in promoting responsible pet ownership.

6.2 What education is needed?

Animal welfare and veterinary bodies have identified a number of areas where education would be beneficial. The RSPCA has stated that:

Education plays a key role in the effective management of dogs in the community. This includes both the education of dog owners on the importance of responsible pet ownership and appropriate socialisation and training of dogs, and the education of the general public and particularly children on understanding dog behaviour and human-animal interactions.³³⁷

Similarly, the Australian Companion Animal Council (ACAC) states:

The dangerous dog problem is also a human problem, often associated with inappropriate selection of dogs, ignorance of dog care and management, lack of training and socialisation of dogs, and inadequate supervision of children around dogs. A more responsible approach to dog ownership and a better understanding of dog behaviour by dog owners and non-owners alike, are the cornerstones of dog bite prevention, both in the home and in public places.

Public education strategies are essential to establishing an environment where dogs are carefully selected, properly cared for, supervised around children, socialised and trained. ACAC believes that education programs that modify human behaviour around dogs and teach responsible dog ownership should be implemented by State and Local Government authorities, in conjunction with regulatory measures for stray and dangerous dogs.³³⁸

As such, ACAC suggests the focus of public education strategies should be on:

- developing increased awareness of dog management and care;
- community understanding of dog behaviour;
- teaching safe and sensible human behaviour in the presence of dogs;
- owner responsibility, and
- compliance with legislation and regulations concerning dog ownership.³³⁹

The Australian Veterinary Association has stated that a comprehensive education program needs to address:

- Educating all types of dog breeders in correct selection of breeding stock, and the raising and socialisation of young puppies (Korbelik et al 2011)

³³⁷ The Royal Society for Prevention of Cruelty to Animals, 'PolicyA08 Dog Management' <kb.rspca.org.au/RSPCA-Policy-A08-Dog-management_596.html>, accessed 16 March 2016.

³³⁸ Australian Companion Animals Council Inc, 'Dogs in Society Position Paper – Public education strategies for dog bite prevention' <www.acac.org.au/pdf/public_educationstrategies.pdf>, accessed 04 November 2015.

³³⁹ Australian Companion Animals Council Inc, 'Dogs in Society Position Paper – Public education strategies for dog bite prevention' <www.acac.org.au/pdf/public_educationstrategies.pdf>, accessed 04 November 2015.

- How to select a pet of an appropriate size, activity level, coat type and temperament
- Importance of effective socialisation during the critical period of 3-14 weeks and throughout life
- Importance of lifelong training
- Benefits of spaying and neutering
- Dog restraint (fences, collars, harness, leashes)
- Recognition of canine body language
- Addressing human behaviour around dogs
- Training parents to protect small children from dogs
- Training children in safe behaviour around dogs.³⁴⁰

More recently, the New South Wales Government supported the Companion Animals Taskforce's recommendation to establish a 'community-wide socially responsible pet ownership education campaign' for New South Wales (NSW Government, Government Response to Companion Animals Taskforce Recommendations; NSW Companion Animals Taskforce 2012, p.25). The Taskforce also indicated that it was 'vitally important that dog bite and dog attack prevention messages form a central component of the whole of community socially responsible pet ownership campaign' (NSW Companion Animals Taskforce 2013, p.27).

Some submissions to the Taskforce argued that the priority of education programs should be redirected from dangerous dogs to socially responsible ownership only. However, the Taskforce did not support this change. In the view of the Taskforce, information on dangerous dogs and dog bites and 'broader socially responsible pet ownership messages' were *both* 'critical components of an effective education campaign, as the two issues are intrinsically linked' (NSW Companion Animals Taskforce 2013, p.27).

6.3 Who needs education?

6.3.1 Educating children

As children under 10 are at the highest risk of serious injury from dog attacks (see Section 2.4.1 of this report), they are often a particular focus for education programs. A number of studies have found that education programs can be developed that effectively communicate dog safety messages to young children.³⁴¹

³⁴⁰ Australian Veterinary Association Ltd (Victoria Division), *Submission 499*, 20 August 2015; Australian Veterinary Association 2012, p.24.

³⁴¹ See, for example, Chapman et al. 2000; Spiegel 2000; Wilson, Dwyer & Bennett 2002; De Keuster, Lamoureux & Kahn 2006; Jalongo 2008; Schwebel et al. 2012; Coleman et al. 2015. As discussed below, however, some studies have found that single interventions are effective in the short term but lose their effectiveness over the long-term and that follow up or 'booster interventions' may be required to sustain learning outcomes.

Dr Hugh Wirth, former president of the RSPCA (Victoria), is a strong advocate of parental guidance on appropriate child-dog interaction, particularly children learning to identify potentially threatening emotions in animals (such as anger or fear). In his view, this acts as a major preventive factor against dog-bite injuries, especially for very young children (cited in Coleman, Hall & Hay 2008).

The Australian Veterinary Association also argues for well-designed and appropriately targeted programs to educate children (and their parents). The Association believes that these can be ‘effective in reducing the incidence of dog bites’.³⁴² A representative of the Association gave evidence as to the powerful effect good educational programs can have on children:

A couple of years ago I was talking on the radio, and a lady rang and she said that she just wanted to say how much she appreciated the fact that her child had been in one of these programs at preschool. She said that she and her daughter were walking along the road and three dogs ran out of the house, barking. They ran down the street, and of course the mother’s first desire was to pick her child up and run for their lives, and her daughter, a preschooler, said to her, ‘No, Mummy, we must stand still and not look at them, keep our head down and not look at them’.

Mum and the child did exactly that and the three dogs came rushing up – they were not supposed to be on the street but they were – and they went, ‘You’re not very interesting’, wagged their tails, walked away and went back into the house. I think that is a really important story of how much that education, that single moment that was informed by the child having received that at preschool, can make a difference in people’s lives.³⁴³

These views are not only expressed by organisations and peak bodies. Many members of the public have stressed the importance of public education on dog handling and interaction and commented on the lack of resources being devoted to this area. Ms Arlyne Anton’s submission is representative of this view:

The key is to educate! I still see numerous kids running from dogs such as Chihuahuas in the park because they are terrified, yet they don’t realise that running makes the animal run after them in the majority of time excitement. Why is it so hard to have a few hours set aside in school each year for either teachers or an external small group of people, to come into each year level and hand out brochures and speak for 30 mins about what to do, if you were faced with a potentially aggressive dog.³⁴⁴

Victorian academics, whilst acknowledging the importance of parental guidance to children on correct ways of interacting with dogs, have also stressed that schools and kindergartens can be useful sites for communicating key messages to children (e.g. Wilson, Dwyer & Bennett 2002; Coleman, Hall & Hay 2008). Incorporating the information into schools and kindergartens can also reach those children whose parents do not or cannot provide appropriate guidance.

Current Victorian school and kindergarten programs focussing on interacting safely with dogs (and their evaluation) are discussed in Section 6.4 of this chapter.

³⁴² Australian Veterinary Association Ltd (Victoria Division), *Submission 499*, 20 August 2015.

³⁴³ Dr Susan Maastricht, Committee Member and Past President, Australian Veterinary Association (Victorian division), *Public Hearing*, 10 November 2015.

³⁴⁴ Ms Arlyne Anton, *Submission 181*, 9 July 2015.

6.3.2 Educating parents

It is also critical to educate parents about the risk to their children from interacting with dogs. As discussed in Sections 2.4.1 and 2.5.1, some studies have shown that children under the age of five are at the highest risk. For children of this age, parents have the responsibility for ensuring that their children are not in dangerous situations, as the children may not be able to show appropriate discretion in handling dogs at that age (Love & Overall 2001, p.452).

A number of studies have indicated that children who have been seriously injured by dogs were often playing with the dog without being supervised at the time.³⁴⁵ The need for parental supervision of child-dog interactions has been identified in a number of educational programs. It has also been suggested that, in many cases, parents may lack knowledge of the factors that are likely to increase the risk of dog bites to children, even when they are supervising the child-dog interactions (Reisner & Shofer 2008).

Educating parents is therefore also an important part of ensuring child safety. The Committee notes that it is an integral part to a number of Victoria's programs (see Section 6.4.1 of this chapter).

6.3.3 Educating other adults

The Committee also notes that 80.4 per cent of people hospitalised for dog-bite injuries in Victoria are aged 15 years or older (based on data from the Victorian Injury Surveillance Unit). Children and parents should therefore not be the only focus for education campaigns.

In addition to how to interact safely with dogs, it is also important to educate adults about how best to look after dogs. As discussed in Section 4.6 of this report, socialisation and training can have a major impact on the risk of a dog attacking and injuring someone. However, many owners do not appropriately socialise or train their dogs. For example, a survey of dog owners in South Australia found that 65 per cent of owners did not participate in any professional training or socialisation, although almost half of those owners indicated that they did train their dogs at home (Sharp & Hartnett 2010, p.15).

The need to educate owners about the importance of socialisation has been emphasised by many sources:

It is important that dog owners be made aware of their pets' potential to cause harm and the management issues that contribute to aggressive canine behaviour (Wright, 1985), as well as the strategies that prevent such aggression...for example, fear is recognized as a major cause of dog aggression against humans (Borchelt, 1983). Puppies that are inadequately socialized are often more fearful (Scott and Fuller, 1965), whereas dogs that are well socialized as puppies are more accepting of human handling and less likely to act aggressively toward a human (Seksel et al., 1999; Donaldson, 1997). (Clarke 2009, p.21)

345 See for example, Kahn, Bauche & Lamoureux 2003, p.255; Patronek et al. 2013, pp.1730, 1735.

Bradley argues that owner education has the potential to make a substantial difference:

Much of the exposure to dog bite injury risk can be mitigated by providing appropriate education to well-intentioned but misinformed guardians and to the public at large. Targeting high-risk human behaviour toward dogs is much more likely to decrease growling, snarling, snapping and biting behaviour than is any attempt to identify and weed out at-risk animals. The husbandry factors found to co-occur in dog bite-related fatalities offer a place to start, particularly with regard to informed supervision of children and others whose ability to manage their interaction with dogs is compromised. (Bradley 2014, p.23)

Bradley notes the findings of Patronek et al. (2013) about factors correlated with fatal dog attacks (see Section 2.5.3 of this report). Bradley considers that these findings have particularly important implications about integrating the dog into the family unit (Bradley 2014, pp.23-5).

Clarke has similarly argued that prospective owners should also be aware of dog-attack risk factors (such as not de-sexing the dog or the way the dog is treated – see Sections 2.5 and 4.6.3 of this report). It is argued that:

Informing the public of such risks could help to limit the number of potentially hazardous dogs brought into the homes of unsuspecting families... it is important that dog owners be made aware of their pets' potential to cause harm and the management issues that contribute to aggressive canine behaviour... (Clarke 2009, pp.20-1)

An article by Williams et al. (2009) found that relatively few dog owners in Victoria understood the importance of leashing dogs in public spaces, particularly beaches. The survey found that dog owners were more likely to feel obliged to leash their dog when they believed other people expected dogs to be leashed or when it was thought their dog could be a threat to other people or wildlife. Dog owners were less likely to feel obliged to use leashes if they considered unleashed recreational exercise more important. The authors claim that:

Improved compliance may be achieved through community-based approaches to foster social norms for dog control, tailoring information products to emphasize the risk that all unleashed dogs may pose to beach-nesting birds and raising awareness of designated off-leash exercise dog recreation areas. (Williams et al. 2009, p.89)

The Companion Animals Taskforce in New South Wales also recommended that any educational materials be provided in a variety of community languages to ensure that information is communicated to as wide an audience as possible. The Taskforce stated that, 'Relevant agencies should be approached to assist in identifying strategies to refine the campaign for people from culturally and linguistically diverse backgrounds' (NSW Companion Animals Taskforce 2013, p.27).

While State Government campaigns primarily focus on children and parents (see Section 6.4 of this chapter), much work by local councils is focused on dog owners and concentrates on matters such as animal husbandry (see Section 6.5 of this chapter).

6.3.4 Selecting a dog – the need for more informed choices

It has been suggested that more education is particularly needed in relation to choosing a pet. Duckworth has stated:

Although Australians are commonly dog owners, many people appear to have minimal knowledge of dog care and training. The desire to own a dog with a particular appearance can blind people to the extent that they don't recognise the necessity to select a dog that matches their lifestyle, available environment, financial constraints and other practical considerations. A commitment of around 15 years is not one to be taken lightly. (Duckworth 2009, p.5)³⁴⁶

Some have argued that providing information about the characteristics of different breeds is important for prospective dog owners:

There may also be merit in providing prospective pet owners with objective, accurate information concerning the behavioural traits and bite risks of various dog breeds so that they are able to make an informed choice. Certain guarding breeds, for example, are at higher risk to bite, and the selection of an intact male dog, particularly if it is kept intact, substantially increases the likelihood of biting (Gershman et al., 1994). Informing the public of such risks could help to limit the number of potentially hazardous dogs brought into the homes of unsuspecting families (Hanna and Selby, 1981). (Clarke 2009, p.20)

A survey of 234 dog owners in South Australia found that only 42.3 per cent of respondents had done research into the temperament of the breed prior to purchasing their dog (Committee calculation based on Sharp & Hartnett 2010, p.8). The survey further found that:

The most prevalent sources of information accessed were the Internet, books and then breeders. This was consistent across prior and post-acquisition research. On average, respondents only consulted one or two sources of information. Of those who used two sources, the Internet was more often found most useful. When asked what specific information respondents were seeking, the typical answers were "temperament or behaviour", "suitability to my lifestyle" and "good with children or a family dog". (Sharp & Hartnett 2010, 'Executive Summary').

However, the Committee notes the difficulties of definitively associating characteristics with breeds in some cases, as illustrated in Section 4.4.3 of this report. The US National Canine Research Council stresses the importance of selecting the right individual dog, rather than just relying on breed:

Presuming that a particular dog is more likely to behave in a certain way because of real or presumed breed identification does harm in at least two ways. It can lead people to presume that a dog is predestined to be so reliable that they need not worry about good behavioral husbandry, including diligent socialization. It also leads people to reject and even ban dogs with absolutely no valid scientific evidence indicating that this practice will result in fewer incidents of canine aggression.

³⁴⁶ Duckworth also adds that many poorly informed dog choices come about because of particular fads and fashions of the moment. For example, she states that many Dalmatian puppies were bred and sold as a result of the release of the film *A Hundred and One Dalmatians*, only for many such dogs to be handed to shelters to be rehomed when their novelty value wore off. Toy breeds had a spike in popularity after Paris Hilton carried hers around in a designer handbag. Fighting dogs may be chosen as a status symbol and as an adjunct of the toughness and 'masculinity' of their owners. See Duckworth 2009, pp.25ff.

...

Thus pet dog selection should focus on the dog as a multi-faceted individual. A prospective pet owner should look at the dog's behavior history and place it in context as much as possible. The actual observed personality always trumps any presumed potential. And because a pet dog lives in a relationship with humans, public education must also include how the guardian's choices about how to live with a canine companion are likely to shape the dog's behavior. Education is necessary to help people learn what kind of care is needed to facilitate a dog's smooth integration into a human household (Bradley 2011, pp.39-40).

The National Canine Research Council suggests that a model to facilitate such educated choices might be:

Potential adopters would be presented with behavioral profiles of potential pets, which rate each one for friendliness, fear, arousal, and aggression based on evaluations of the dog's actual behavior. These profiles along with such considerations as size, gender, age, and coat type would be used to help match people with appropriate companions. An appropriate match could then be supported by good instruction on how to live successfully with the dog, how to provide sufficient social opportunities, mental and physical stimulation, and how to guide and modify behavior as needed. (Bradley 2011, p.40)

6.4 State Government programs in Victoria

Education programs on dog risk and dog management in Victoria are run by a number of agencies including State Government departments, local councils, animal welfare groups and dog clubs. This Section looks at Victorian State Government programs, with local government programs considered in Section 6.5 of this chapter.

6.4.1 Victorian programs

A variety of pet education programs, largely aimed at children, are offered through the Department of Economic Development, Jobs, Transport and Resources. These programs receive funding through a portion of the local council registration fees for dogs, cats and domestic animal businesses, which are passed to the State Government by the councils.³⁴⁷

The Department makes the following comments in relation to children and pets:

Pets have long been recognized as valuable members of the family. Over the past couple of generations we have seen an increase in the average age we are having our first baby from our early twenties to early thirties and as a result our pets are often well established in the family unit before baby comes along.

³⁴⁷ Department of Economic Development, Jobs, Transport and Resources, 'Responsible Pet Ownership for children' <agriculture.vic.gov.au/pets/community-and-education/responsible-pet-ownership-for-children>, accessed 29 January 2016.

Pets and children can form a wonderful close bond and it is heart-warming to watch them interact. Apart from obvious companionship and affection, there are many other benefits for children sharing their lives with a pet:

- Pets teach responsibility. Children learn about the requirements of a living being such as food, water and exercise.
- Pets aid childhood development. Pets help children develop nurturing and social skills. Developing positive feelings about pets can aid self-esteem and help children develop verbal communication and compassion.
- Pets are a friend to children. Children turn to pets when they need a friend, confidante or protector. Children often refer to their family pet as their 'best friend' As pets do not judge children or get angry at them, children often trust them with their secrets and private thoughts.
- Pets teach life lessons. Pets are often the first experience a child has with death and grieving.
- Pets are fun. Pets provide unconditional love and affection. Children can participate in safe games with their pets and those who participate in walking/exercising the family dog have the added benefit of extra physical activity.³⁴⁸

However, the Department also warns that not all childhood experiences with pets are positive ones:

... research clearly shows that children in the 0-4 age bracket are at the greatest risk of hospitalization for dog attack injuries. It also identifies that 80% of these dog attacks happen in the family home or that of a family member or friend. It is also important to note that children are most often bitten by their own dog or one known to them. From a welfare point of view we are also experiencing a large number of pets, particularly cats, being relinquished to welfare shelters, with owners citing the arrival of a new baby as the reason. Many of these relinquishments are based on inaccurate information depriving both children and pets of a potentially long and happy relationship.³⁴⁹

As such, the State programs have a particular focus on nurturing the child-pet relationship.

We are Family Program

The *We Are Family Program* is aimed at expectant parents and parents of young children: 'It helps parents prepare existing pets for the arrival of a new baby and provides further guidance when the baby is home to ensure safety around pets with babies and children'.³⁵⁰

³⁴⁸ Department of Economic Development, Jobs, Transport and Resources, 'We are Family - For Expectant Parents' <agriculture.vic.gov.au/pets/community-and-education/responsible-pet-ownership-for-children/we-are-family-for-expectant-parents>, accessed 28 January 2016.

³⁴⁹ Department of Economic Development, Jobs, Transport and Resources, 'We are Family - For Expectant Parents' <agriculture.vic.gov.au/pets/community-and-education/responsible-pet-ownership-for-children/we-are-family-for-expectant-parents>, accessed 28 January 2016.

³⁵⁰ Department of Economic Development, Jobs, Transport and Resources, 'We are Family - For Expectant Parents' <agriculture.vic.gov.au/pets/community-and-education/responsible-pet-ownership-for-children/we-are-family-for-expectant-parents>, accessed 28 January 2016.

The program was launched in 2008 and is delivered free through 70 Victorian hospitals (as part of their childbirth education classes) and 680 local council maternal and child health centres. Since the program's beginning, approximately 1,000 midwives, childbirth educators and maternal and child health nurses have received training to facilitate the program.³⁵¹

The Department indicates that the program focuses on both the positive aspects and risks associated with having a dog:

The We Are Family Program educates expectant and new parents on the many advantages of allowing their child to experience the joys of having a pet in the family. The program presents the potential risks of owning a pet; providing knowledge and strategies to ensure pet ownership is not only a physically and emotionally enriching one, but a safe one too.³⁵²

Living Safely with Dogs Program

The *Living Safely with Dogs Program* provides information about safely interacting with dogs to kindergarten children and their parents:

Our Pet Educators take into the visit their Suitability Tested Dog and demonstrates how to safely meet and greet a real dog. Each child is then given the opportunity to participate in the meet and greet with the Pet Educators dog. For many children this can be their first interaction with a dog and provides a positive and educational experience for each child.³⁵³

The varying topics taught to children and their parents are summarised in Table 6.1.

Table 6.1 Topics taught in the *Living Safely with Dogs Program*

Topics covered with children	Topics covered with parents
When dogs should be left alone	The safety messages that their children have been taught
Things we should not do to dogs	Choosing an appropriate dog for their family
How to tell if a dog is happy, scared or angry	Confining dogs adequately to prevent dog attacks
A safe way to approach and greet a dog	Supervision as the key to preventing dog attacks on children
What to do if approached by an unknown or aggressive dog	How to tell if a dog is happy, frightened or angry

Source: Economy and Infrastructure Committee, based on Department of Economic Development, Jobs, Transport and Resources, 'Responsible Pet Ownership for Children' <agriculture.vic.gov.au/pets/community-and-education/responsible-pet-ownership-for-children>, accessed 29 January 2016; Department of Economic Development, Jobs, Transport and Resources 2015, p.8.

³⁵¹ Department of Economic Development, Jobs, Transport and Resources, 'Responsible Pet Ownership for Children' <agriculture.vic.gov.au/pets/community-and-education/responsible-pet-ownership-for-children>, accessed 29 January 2016; Department of Economic Development, Jobs, Transport and Resources 2015, p.8.

³⁵² Department of Economic Development, Jobs, Transport and Resources, 'Responsible Pet Ownership for Children' <agriculture.vic.gov.au/pets/community-and-education/responsible-pet-ownership-for-children>, accessed 29 January 2016.

³⁵³ Department of Economic Development, Jobs, Transport and Resources, 'Responsible Pet Ownership for Children' <agriculture.vic.gov.au/pets/community-and-education/responsible-pet-ownership-for-children>, accessed 29 January 2016.

The Department states that it delivers over 2,000 visits through the program annually, educating more than 65,000 kindergarten children and 18,000 parents each year.³⁵⁴ The Department has estimated that the program reached 90 per cent of the total 4-5 year old pre-schoolers in 2014 and has educated close to 1 million children since its beginning in 2003.³⁵⁵

An external evaluation of the *Living Safely with Dogs Program* in 2014 found that it effectively communicated messages around dog safety and that key knowledge was retained in the longer term (see Section 6.4.2 of this chapter).

Responsible Pet Ownership Primary School Program

The *Responsible Pet Ownership Primary School Program* is aimed at children aged 5-12. It involves pet educators visiting schools and speaking to students about living safely with dogs and responsible pet ownership. It includes a dog visit, multimedia tools, role play, songs and story time. A teachers resource kit is also available to help teachers build on the visits.³⁵⁶

Similar to the kindergarten program, the program focuses on teaching students about:

- when dogs should be left alone
- things we should not do to dogs
- how can you tell if a dog is happy, frightened or angry
- a safe way to approach and greet a dog
- what to do if approached by an unknown or aggressive dog.³⁵⁷

However, the program also introduces some more advanced concepts, such as:

- choosing an appropriate pet
- general welfare and husbandry
- the importance of identification and registration
- confinement and housing, exercise and training.³⁵⁸

³⁵⁴ Department of Economic Development, Jobs, Transport and Resources, 'Responsible Pet Ownership for Children' <agriculture.vic.gov.au/pets/community-and-education/responsible-pet-ownership-for-children>, accessed 29 January 2016.

³⁵⁵ Department of Economic Development, Jobs, Transport and Resources 2015, p.9.

³⁵⁶ Department of Economic Development, Jobs, Transport and Resources, 'Responsible Pet Ownership for Children' <agriculture.vic.gov.au/pets/community-and-education/responsible-pet-ownership-for-children>, accessed 29 January 2016; Department of Economic Development, Jobs, Transport and Resources 2015, p.9.

³⁵⁷ Department of Economic Development, Jobs, Transport and Resources, 'Responsible Pet Ownership for Children' <agriculture.vic.gov.au/pets/community-and-education/responsible-pet-ownership-for-children>, accessed 29 January 2016.

³⁵⁸ Department of Economic Development, Jobs, Transport and Resources, 'Responsible Pet Ownership for Children' <agriculture.vic.gov.au/pets/community-and-education/responsible-pet-ownership-for-children>, accessed 29 January 2016.

The program was launched in 2000.³⁵⁹ The Department has indicated that the program is delivered to over 800 primary schools each year and has been delivered to over one million students since its inception.³⁶⁰

The program has been endorsed by DOGS Victoria.³⁶¹ An independent evaluation in 2008 found that students retained the messages of the program in the short term, but the evaluation raised concerns about the long-term retention of information (see further discussion in Section 6.4.2 of this chapter).

Pet Town

Pet Town is an interactive website and mobile app designed to teach kindergarten and primary school children about responsible pet ownership and dog safety. It features animations, learning activities and games. It is intended to reinforce the information and messages from the *Responsible Pet Ownership Program* discussed above.³⁶²

2013 Pet Care Campaign

The Government conducted an advertising campaign in mid-2013 to encourage pet owners to increase their knowledge about their pet's behaviour and to encourage prospective pet owners to research their pet choice *prior* to purchase or acquisition (Fenton Communications 2013). It aimed to:

... help owners better understand their pets' welfare needs, including diet, environment, behaviour and social needs, It promotes the fact that pet owners have free and easy access to a large amount of information on the care of all companion animals, through the Department's website. (Department of Economic Development, Jobs, Transport and Resources 2015, p.12)

The campaign included online advertising and print advertising aimed at encouraging people to learn more about their pets (see Figure 6.1 below). The campaign also produced fact sheets, posters and stakeholder kits with key information and recommendations for pet owners (Department of Economic Development, Jobs, Transport and Resources 2015, p.12).

Fenton Communications, the company that worked with the Department of Environment and Primary Industries, reported that the campaign had been a successful way to drive traffic to the Department's website. It had led to increased traffic to the website, with a shift in the website usage from pages on regulations to pages on registration, pet care and pet welfare (Fenton Communications 2013, p.8).

³⁵⁹ Scarlet Consulting Australasia (2014), p.4.

³⁶⁰ Department of Economic Development, Jobs, Transport and Resources, 'Responsible Pet Ownership for Children' <agriculture.vic.gov.au/pets/community-and-education/responsible-pet-ownership-for-children>, accessed 29 January 2016.

³⁶¹ DOGS Victoria, *Submission 131*, 9 July 2015.

³⁶² Department of Economic Development, Jobs, Transport and Resources, 'Responsible Pet Ownership for Children' <agriculture.vic.gov.au/pets/community-and-education/responsible-pet-ownership-for-children>, accessed 29 January 2016.

Figure 6.1 Sample advertisements from the 2013 advertising campaign



Source: Fenton Communications (2013), p.5.

Fenton Communications concluded that:

While advertising can be good in raising awareness and driving traffic, continued long-term advertising is unsustainable from a budget perspective for the Bureau [of Animal Welfare], especially in the current economic climate. (Fenton Communications 2013, p.10)

Instead, Fenton Communications recommended public relations to get media interest, stakeholder engagement to get links to the Department's website, the use of social media and further bursts of advertising (Fenton Communications 2013, p.10). See further discussion of the media in Section 6.7 of this chapter.

In 2015, the Department of Economic Development, Jobs, Transport and Resources indicated that it was implementing a second phase of the campaign, 'targeted at getting information through stakeholders (such as vets and pet shops)' (Department of Economic Development, Jobs, Transport and Resources 2013, p.13).

Responsible Dog Ownership Course

The Responsible Dog Ownership Course is an e-learning course designed to give people basic information about their legal responsibilities as dog owners. It is free for anyone to take but certain owners may be required to take it by court order. Applicants must achieve a grade of at least 90 per cent to be awarded a completion certificate.³⁶³

³⁶³ Department of Economic Development, Jobs, Transport and Resources, 'Responsible Dog Ownership Course' <agriculture.vic.gov.au/pets/community-and-education/responsible-dog-ownership-course>, accessed 1 February 2016.

The course covers four main topics:

- rights and responsibilities
- dog welfare and management
- dog behaviours
- dog training.³⁶⁴

Extra units are provided for participants with restricted-breed dogs, declared dangerous dogs, declared menacing dogs or guard dogs.³⁶⁵

Information pamphlets/website materials

The Department of Economic Development, Jobs, Transport and Resources provides a range of information on its website about looking after animals, including dogs. This includes a variety of information about how to prevent dog attacks, both in the community and in the home.³⁶⁶

The Department also prints a range of publications and fact sheets, which it distributes to councils to circulate. Surveys have indicated that most council officers find the Department's brochures useful and the Department has stated that a total of 167,054 publications were distributed to 66 councils in the last print run (Department of Economic Development, Jobs, Transport and Resources 2015, p.15).

Dogs and Kids Program – Royal Children's Hospital

The Royal Children's Hospital in Melbourne is one of the key centres attended by children who have been attacked or bitten by dogs. The Dogs and Kids Program is a web-based resource developed by the Royal Children's Hospital Safety Centre in 1997.³⁶⁷

The program promotes dog-bite prevention and socially responsible dog ownership. Much of the information available on the web is also accessible as hardcopy leaflets and posters. It also includes information targeted specifically at health professionals.

The Royal Children's Hospital acknowledges that pets are an integral aspect of Australian life:

³⁶⁴ Department of Economic Development, Jobs, Transport and Resources, 'Responsible Dog Ownership Course' <agriculture.vic.gov.au/pets/community-and-education/responsible-dog-ownership-course>, accessed 1 February 2016.

³⁶⁵ Department of Economic Development, Jobs, Transport and Resources, 'Responsible Dog Ownership Course' <agriculture.vic.gov.au/pets/community-and-education/responsible-dog-ownership-course>, accessed 1 February 2016.

³⁶⁶ Department of Economic Development, Jobs, Transport and Resources, 'Dog Attacks, Dangerous and Menacing Dogs' <agriculture.vic.gov.au/pets/dogs/dog-attacks-dangerous-and-menacing-dogs>, accessed 1 February 2016.

³⁶⁷ Royal Children's Hospital Melbourne, 'About Dogs and Kids' <www.rch.org.au/dogsandkids/>, accessed 1 February 2016.

Pets are important in children's lives as they provide enjoyment and help children develop responsibilities transferable to adulthood. Sometimes pet relationships are ranked higher than certain kinds of human relationships for comfort, esteem, support and confidence. Some benefits of pet ownership have been identified in areas of child development, family harmony and even health.³⁶⁸

The website includes information on:

- minimising the risk of dog bites
- safely interacting with dogs
- choosing the right dog
- training and socialising a dog
- dog health.

Some materials are available in languages other than English. This may be particularly important, as interaction with dogs as pets is not a common part of the culture in the country of origin for some children and families.³⁶⁹

6.4.2 Evaluating Victoria's programs

The importance of evaluating programs has been noted by a number of participants in this Inquiry. The Australian Veterinary Association, for example, noted that education programs need to be rigorously and scientifically evaluated 'to ensure they result in the required knowledge and behaviour changes'.³⁷⁰

A number of independent evaluations of Victoria's programs have been made. The Committee also received feedback from some submitters about Victoria's programs.

DOGS Victoria indicated its support for the Victorian programs which it has been involved with:

DOGS Victoria is based on supporting and encouraging responsible dog ownership... One excellent example is the Government-run Responsible Pet Education Program, which has been in operation since 2000. DOGS Victoria members have had the opportunity to participate in the program as pet educators, which requires both the participating dog to successfully pass a suitability test and the educator to undertake professional development. The program sees both the pet educator and their dog working as a team to deliver presentations on responsible pet ownership to the community, with particular focus on the kindergarten and primary school sector.

... DOGS Victoria sees this program as an excellent opportunity to be proactive in educating children, and through that their parents and the community more broadly, and conveying basic but important information about owning and interacting

³⁶⁸ Royal Children's Hospital Melbourne, 'Benefits of Pets' <www.rch.org.au/dogsandkids/benefits/>, accessed 1 February 2016.

³⁶⁹ For a discussion of cultural difference in relation to interacting with dogs see, for example, Chandler 2012, pp.251ff.

³⁷⁰ Australian Veterinary Association Ltd (Victoria Division), *Submission 499*, 20 August 2015.

with dogs. As a result of DOGS Victoria's 15 years of support of the program and its promotion within our membership, there have been 83 different breeds participate within the program, allowing for children and adults to interact with dogs of different sizes and appearance.³⁷¹

The *Responsible Pet Ownership Primary School Program* has been subject to independent academic evaluation, with results published in 2008 (Coleman, Hall & Hay 2008). The evaluation assessed the immediate and long-term learning outcomes of the program on children in their preparatory year of school. The assessors measured the children's knowledge and retention of information about responsible pet ownership and interaction with dogs in the immediate term (within two weeks of completing the program) and longer term (two and four months after completion of the program).

The evaluation found that the program was generally positive in its effects on children and its promotion of responsible and safe interaction with dogs. The program effectively communicated its intended messages. In the short term, children who had participated in the program showed a better knowledge of how to interact safely with dogs and the basic tenets of responsible dog ownership than those who had not. However, it was found that there was little long-term retention of this information. Four months after the sessions, there were no significant differences between the children who had participated and those who had not for most components of the program.

The evaluators concluded that it was important for information taught in the program needs to be reinforced at home or in school (Coleman, Hall & Hay 2008, p.283).

Scarlet Consulting Australasia (2014) evaluated the *Living Safely with Dogs Program* (for kindergarten students) in 2014. The evaluation consisted of a survey of kindergarten teachers who had experienced the program and quizzes of children who had completed the program.

The surveys of teachers found, among other things, that:

- 96 per cent of teachers considered the content very or extremely age-appropriate
- 94 per cent thought it was very or extremely engaging for the children
- 84 per cent believed the children understood the content very well (Scarlet Consulting Australasia 2014, pp.7-8).

With respect to the children's quizzes, the study found that the 472 children quizzed answered 96 per cent of the questions correctly (Scarlet Consulting Australasia 2014, p.10). The report stated:

The 2014 study provides strong evidence that the Kindergarten Program clearly communicates the correct and safe behavioural responses around dogs; 97.45% of children chose the correct answers regarding when to leave a dog alone; 98.8% of children chose the correct answers regarding which dogs were angry, frightened,

³⁷¹ DOGS Victoria, *Submission 131*, 9 July 2015.

and happy dogs; 93.7% of children chose the correct answers regarding how to safely approach a dog; and 94.1% of children chose the correct answers regarding what to do if an angry dog comes up to you. (Scarlet Consulting Australasia 2014, p.13)

In contrast to Coleman, Hall and Hay, the 2014 Scarlet Consulting Australasia study found high levels of retention in the longer term. The 106 children who had participated in the program six or more months before the quiz correctly answered 94 per cent of the quiz questions (Scarlet Consulting Australasia 2014, p.10). The report concluded:

This 2014 study points indicates that as the RPO [Responsible Pet Ownership] program has continued to be refined and improved, through both program delivery and the accompanying resource materials, children's retention of the key messages is persisting beyond four months. This is at odds with the findings identified in the 2008 Coleman et al study report but does provide additional confidence that the program is making a meaningful contribution to reducing the incidence of dog bites in the 4-9 age group. (Scarlet Consulting Australasia 2014, p.13)

The Department has indicated that the *Living Safely with Dogs* and *Responsible Pet Ownership Primary School Program* reach a large proportion of students (see Section 6.4.1 of this chapter). However, some witnesses to the Inquiry believed that there is a need to expand the reach of education programs in Victoria. Dr David Cunliffe of the Lost Dogs Home stated:

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.³⁷²

Similar comments were made by Dr Susan Maastricht of the Australian Veterinary Association:

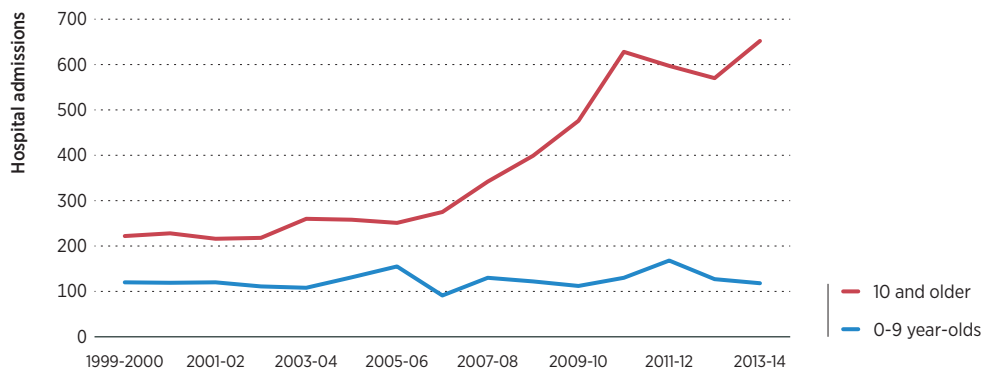
There is literature from around the world on the best way to behave around dogs. The problem is that its application is hit and miss. We have some hospitals where parents are actually provided with a flyer that tells them about how to introduce the child into a family where you have got dogs – so, what you could be doing. There are preschools where they run programs to help the children understand how to behave around dogs, but it is hit and miss; it is not consistently applied. What we need is something that is consistently applied so that everybody in the community, every child in the community, has the opportunity to hear this information... While there is a lot of information out there about how to actually act around dogs – what parents and children, the elderly should be doing – the truth is it is not applied uniformly. It is hit and miss, and that is what I think we need to fix.³⁷³

³⁷² Dr David Cunliffe, General Manager, Animal Welfare and Customer Service, Lost Dogs Home, *Public Hearing*, 17 November 2015.

³⁷³ Dr Susan Maastricht, Committee Member and Past President, Australian Veterinary Association (Victorian division), *Public Hearing*, 10 November 2015.

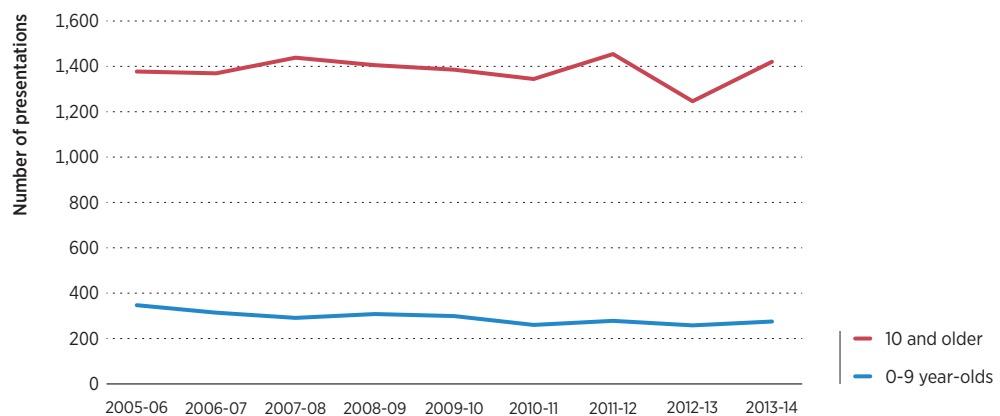
With respect to the outcomes of Victoria’s programs, it may be worthwhile to look at rates of serious dog injury among children. The Committee notes that there has been a large difference between the trends for children under 10 years of age and people aged 10 and over being hospitalised for dog-bite injuries in recent years (see Figure 6.2). Different trends between these age groups can also be seen with emergency department presentations which do not lead to admission, though the difference is far less pronounced (see Figure 6.3).

Figure 6.2 Hospital admissions for dog bites from 1999-2000 to 2013-14, broken down by age (number of people)



Source: Economy and Infrastructure Committee, based on data from Victorian Injury Surveillance Unit.

Figure 6.3 Emergency department presentations from 2005-06 to 2013-14, broken down by age (number of people)



Note: Only includes public hospitals with 24-hour emergency departments (except for Bass Coast Hospital). Does not include patients who are subsequently admitted.

Source: Economy and Infrastructure Committee, based on data from Victorian Injury Surveillance Unit.

These differences may indicate that dog-bite-prevention programs have had a positive effect (cf. Cassell & Ashby 2009, p.14). However, as discussed in Section 2.3 of this report, these data need to be treated with some caution, as factors other than education programs may well be contributing to the results. The Committee believes that there may be benefit in trying to understand what is causing the difference between children aged under 10 and people aged 10 or older. This may help to identify whether education programs are actually reducing the risk of injury. This could be a part of future evaluations of State Government programs.

Overall, the Committee finds that good work is being done by the State Government in relation to educating children about safety around dogs. However, there may be a need for more reinforcement of the programs messages after delivery to school and kindergarten students. The Committee considers that it is important for there to be ongoing evaluations of Victoria's programs, to identify whether or not they are effectively reducing injuries from dog attacks. Future evaluations should particularly focus on whether there is a need for more work facilitating the reinforcement of key messages by parents and teachers after the delivery of sessions in schools and kindergartens.

RECOMMENDATION 7: That the Department of Economic Development, Jobs, Transport and Resources continue to have dog safety programs in schools and kindergartens independently evaluated at regular intervals. Future evaluations should particularly focus on whether:

- (a) there needs to be more work done to ensure that parents and teachers reinforce key messages after sessions are delivered
- (b) the programs are impacting on the rate of injuries from dog attacks.

6.5 Local government programs in Victoria

Many local councils have turned to a 'carrot and stick' approach to minimise dog attacks and dog bites by encouraging and providing incentives for responsible dog ownership, whilst penalising irresponsible dog management. Such initiatives are part of a wider concept of Urban Animal Management (UAM) described by the Australian Companion Animal Council as follows:

UAM is all about minimising public pet nuisance whilst maximising community pet benefit. UAM is a complex blend of community behavioural science and animal behavioural science. It is a regulatory local government service that ideally depends on encouraging responsible pet ownership through the provision of public education and other community management infrastructure.³⁷⁴

The formulation of animal management plans by local councils, including education initiatives, are a key aspect of UAM.³⁷⁵ Each Victorian council is currently required to produce a Domestic Animal Management Plan every four years and to review it annually. These should include (among other things) strategies to promote responsible pet ownership, ensure people comply with legislation and prevent dog attacks.³⁷⁶ This Section looks at some of the education activities currently being undertaken by local councils.

³⁷⁴ Australian Companion Animals Council Inc, 'Dogs in Society Position Paper – The importance of urban animal management' <www.acac.org.au/pdf/urban_animal_management.pdf>, accessed 4 November 2015.

³⁷⁵ For a further discussion of the concept of UAM, see Australian Institute of Animal Management Inc, 'What is urban animal management?' <aiam.org.au/resources/file/assoc-docs/aiam-purposes-statement.pdf>, accessed 4 November 2015.

³⁷⁶ *Domestic Animals Act 1994* s 68A.

6.5.1 Individual councils

All of the 79 local councils in Victoria were asked to respond to a questionnaire devised by the Committee about dog management in their municipalities. One of the questions related to the responsible dog ownership programs offered in their municipalities. Some councils detailed relatively comprehensive and sophisticated education programs delivered within the municipality, often by animal management officers. Other responses were more perfunctory, often stating that they encouraged dog owners, particularly those with children, to take advantage of State Government or RSPCA programs through council websites or newsletters.

Some councils referred to brochures and flyers produced by the council on responsible dog management without going into specifics. Others mentioned the use of social media to promote responsible ownership messages. Some councils acknowledged, however, that they do not provide any formal responsible dog education programs.

Some councils advised that they link educational material to their annual dog registration paperwork. For example, in conjunction with their registration process, Murrindindi Shire Council³⁷⁷ offers microchipping days in which owners can get their dogs microchipped at the same time as they are registered.³⁷⁸ The Northern Grampians Shire Council advised the Inquiry that it takes out advertisements in local papers reminding dog owners of the importance of registration and responsible dog ownership.³⁷⁹ This council also provides educational material when a dog is picked up after having been impounded.

Some councils use their animal management officers and rangers in educative as well as enforcement roles – for example, in conducting pro-active patrols in which the ranger gives owners educational material and ‘face-to-face’ advice. Often animal management officers also provide talks on responsible dog management and dog control in kindergartens, schools and community centres.³⁸⁰ Other councils employ specific pet education officers for the education aspects of responsible pet management rather than combining this with an enforcement role.³⁸¹

Some councils seem to provide more pro-active and extensive educational options for pet owners in the local community. These can include specific responsible pet ownership programs devised and delivered by the council, such as the Greater Bendigo City Council’s *Responsible Pet Ownership, You’re in Control* (aimed at the community sector and dog owners) and *Be Safe Around Dogs Program* (aimed at

³⁷⁷ Murrindindi Shire Council, *Submission 39*, 3 July 2015.

³⁷⁸ The Moyne Shire Council offers ‘showbags’ at their microchipping days with information on responsible dog ownership. Animal Management Officers are present at such days in association with RSPCA officers. See also Bayside City Council, *Submission 490*, 29 July 2015.

³⁷⁹ Northern Grampians Shire Council, *Submission 201*, 10 July 2015.

³⁸⁰ See for example; Whittlesea City Council, *Submission 184*, 10 July 2015; Darebin City Council, *Submission 210*, 13 July 2015; Moonee Valley City Council, *Submission 232*, 13 July 2015; Wyndham City Council, *Submission 237*, 13 July 2015.

³⁸¹ See Whitehorse City Council, *Submission 223*, 13 July 2015.

children).³⁸² Other councils hold either dedicated animal expos during the year or integrate information booths on responsible pet ownership into community festivals, events and fêtes within their municipalities.³⁸³

Other examples given to the Inquiry of pro-active education and responsible dog ownership initiatives include:

- establishing information booths on responsible pet management at the RSPCA's 'Million Paws Walk'³⁸⁴
- holding information and training nights on responsible pet ownership in conjunction with local obedience clubs³⁸⁵
- holding responsible pet ownership days, either stand-alone or in conjunction with local festivals³⁸⁶
- employing expert animal behaviourists to hold workshops with both council staff and local residents³⁸⁷
- media campaigns and the use of local advertising to address responsible pet ownership issues in the local community³⁸⁸
- training and information provision partnerships between councils and organisations such as the RSPCA, Lost Dogs Home and other peak animal welfare bodies³⁸⁹
- holding responsible pet ownership 'quizzes' with prizes or incentives to owners who show they are doing the 'right thing'³⁹⁰
- giving 'Responsible Dog Ownership Kits' to owners on registration or in conjunction with other agencies, such as veterinary surgeries and obedience training classes in the municipality³⁹¹
- giving free dog leads to dog owners observed doing the 'right thing' (adhering to local dog laws) when animal management officers are doing patrols of local streets and parks³⁹²
- holding responsible pet ownership and animal husbandry sessions with culturally and linguistically diverse communities in the municipality³⁹³
- letterbox pamphlet drops on responsible pet ownership in areas identified as 'high risk' within the municipality³⁹⁴

³⁸² Greater Bendigo City Council, *Submission 231*, 13 July 2015.

³⁸³ See for example Wyndham City Council, *Submission 237*, 13 July 2015; Mitchell Shire Council, *Submission 211*, 13 July 2015.

³⁸⁴ Ballarat City Council, *Submission 213*, 14 July 2015.

³⁸⁵ Ballarat City Council, *Submission 213*, 14 July 2015.

³⁸⁶ East Gippsland Shire Council, *Submission 219*, 20 July 2015. See also Wellington Shire Council, *Submission 241*, 27 July 2015.

³⁸⁷ Greater Geelong City Council, *Submission 242*, 23 July 2015.

³⁸⁸ Mildura Rural City Council, *Submission 473*, 7 August 2015.

³⁸⁹ Campaspe Shire Council, *Submission 236*, 20 July 2015.

³⁹⁰ Melbourne City Council, *Submission 220*, 20 July 2015.

³⁹¹ Wyndham City Council, *Submission 237*, 13 July 2015.

³⁹² Moonee Valley City Council, *Submission 232*, 13 July 2015.

³⁹³ Wyndham City Council, *Submission 237*, 13 July 2015. Such sessions may include discussion on how to behave in the presence of dogs; this may be particularly important for people who do not come from a 'dog loving culture'.

³⁹⁴ Wellington Shire Council, *Submission 241*, 27 July 2015.

- the formation of the Mornington Peninsula Shire Community Dog Club – a joint partnership between the council and local dog owners providing a free responsible pet ownership training course and opportunities for dog socialisation.³⁹⁵

6.5.2 Limited resources

Many councils, though agreeing that there should be greater emphasis on responsible dog ownership education at the local level, also stated that resource constraints mitigated against being able to develop and deliver the programs they might like. Any such ‘education’ then tended to be limited and reactive rather than dynamic and pro-active. At a local level, it is argued, resources need to be spent primarily on dog enforcement and management. Some submissions argued that even the amounts allocated for this may be insufficient.

Community education at local level may therefore take a ‘back seat’. For example, the Darebin City Council stated that, whilst they had plans to employ a pet education officer, cutbacks meant that they could not go ahead with the project at that time.³⁹⁶ Mitchell Shire Council also commented that it would like to be more pro-active in terms of dog management programs, but they ‘currently work in a reactive environment’ due to resourcing issues (including money spent on court challenges – see Section 3.6.1 of this report).³⁹⁷ Brimbank City Council noted that community education was only one of many tasks that their four animal management officers had to perform given the budget allocation to animal management. The Council noted that the costs of collecting dogs at large, investigating menacing and dangerous dogs complaints, addressing barking dogs (as well as the costs of defending restricted-breed dog declarations and impounding such dogs pending hearings) all had to be taken from a finite budget.³⁹⁸

Other submissions and oral evidence noted how the money spent on defending restricted-breed dog declarations in court could be more usefully allocated to education and information programs.³⁹⁹ For instance, a submission from the Canine Welfare Alliance of Australia stated that it:

... considers that the monetary cost to the community of enforcing Breed Specific Legislation cannot be justified. We believe that local government funds would be better spent on education of dog owners and developing strategies which target the responsible ownership of all dog breeds. Dogs seized by councils as a restricted breed under the *Domestic Animal Act 1994* are often kept in animal management facilities for months, and in some cases years. When the expense of holding these dogs is taken into account, these costs can run into thousands of dollars alone. These costs are on top of the councils’ legal expenses incurred fighting appeals by the owners

³⁹⁵ Mornington Peninsula Shire Council, *Submission 233*, 9 July 2015.

³⁹⁶ Darebin City Council, *Submission 210*, 13 July 2015.

³⁹⁷ Mitchell Shire Council, *Submission 165*, 10 July 2015.

³⁹⁸ Brimbank City Council, *Submission 214*, 15 July 2015.

³⁹⁹ See for example, Hume City Council, *Submission 239*, 20 July 2015; Ms Shatha Hamade, Legal Counsel, Animals Australia, *Public Hearing*, 18 November 2015. For further discussion on the problems for local councils in relation to restricted breed declarations, see Section 3.6.

of seized dogs... We question whether that expenditure of council funds would be better directed to strategies and education programs for the community which are proven to reduce dog bite and attack incidents. Those programs could include low cost sterilisation and micro-chipping for dog owners, seminars on socialisation and training for dog owners, pamphlets on responsible ownership and the dangers of irresponsible ownership, including where to seek assistance for problem behaviours, and encouraging community awareness of what leads to dog bites in the home.⁴⁰⁰

On the resourcing issue, some councils suggested that a larger proportion of the registration levy paid to the State Government by municipalities should be returned to councils through grants for responsible pet ownership programs (such as community education).⁴⁰¹ The Committee agrees that education is a key strategy to reduce dog attacks. Further discussion about resourcing for local councils can be found in Section 9.6 of this report.

6.6 Interstate programs

Many states are running similar dog education programs to those in Victoria. As noted above, some Victorian programs have been adopted in New South Wales and South Australia.

The following Section briefly outlines two dog education programs run by local councils in other states that have been highlighted during this Inquiry as innovative. The Committee notes that many other worthwhile programs are also being run around Australia.

6.6.1 Townsville City Council (Queensland) – *Who Are Your Pets Hurting?*

The *Who Are Your Pets Hurting?* campaign originated as a way of pro-actively addressing dog-bite risk in the City of Townsville. Townsville has one of the highest per capita dog ownership rates in Australia and the Council was concerned about perceived high levels of irresponsible dog ownership leading to bites and attacks. In 2013 there were over 590 dog attacks in the city, rising by 10 per cent from the previous year.

The Council thought that a new approach was required to tackle the issue:

From a communications perspective the response to increasing dog attacks in previous years had been based around relatively passive ‘responsible animal management’ messages – which were not having an effect. Traditional messaging around the rules of pet ownership such as registering dogs and that they shouldn’t stray or bite had been promoted to the point of saturation. A new approach was needed. (Townsville City Council 2015, p.2)

⁴⁰⁰ Canine Welfare Alliance of Australia, *Submission 217*, 17 July 2015.

⁴⁰¹ For example, Brimbank City Council, *Submission 214*, 15 July 2015; Knox City Council, *Submission 216*, 17 July 2015. East Gippsland Shire Council suggests such education should be mandatory for all dog owners or prospective owners – another reason why education needs to be better resourced (East Gippsland Shire Council, *Submission 219*, 20 July 2015).

Figure 6.4 Townsville City Council's *Who Are Your Pets Hurting?* campaign



Source: Townsville City Council.

Together with a marketing company, the Council developed a campaign with the tagline, 'Who are your pets hurting?' This was the campaign's primary message, with secondary aims of increasing pet registration and keeping dogs securely contained. The campaign was rolled out in 2014 and consisted of:

- television and radio advertisements
- billboards and other signage
- online and social media messaging
- newspaper stories
- fact sheets and information cards
- links to responsible pet ownership information on the Council's website.

Rather than using a stock image of a child, it was thought the campaign would benefit from a 'true story and a real face'. A local boy named Kynan, who had suffered serious injuries from a dog attack two years earlier, became that face. He

appeared in a series of television advertisements, billboards, placards and other media recounting his story and its aftermath. Kynan's image and the campaign's tagline were also displayed on buses and bus shelters in the city and outlying suburbs. School buses in particular were viewed as:

... an ideal medium to target parents and families, many of which are pet-owners and would be able to conceive of such an attack on their own children, or feel a sense of the potential consequence of their own pet being responsible for such an attack. (Townsville City Council 2015, p.7)

The television commercial was particularly graphic:

The TVC [television commercial] is split into three segments: the dog attack victim, the mother of dog attack victim and a council local laws officer. Each segment, although brief, offers a different perspective on the attack and illustrates how multiple people are affected. The first line 'I used to play outside with my friends after school. I don't feel like it anymore' immediately sets the scene for the flashback and acts as an enticer to keep the audience's attention throughout the video. (Townsville City Council 2015, p.4)

The advertisements and the campaign also featured heavily in follow-up publicity, with Kynan agreeing to be interviewed for newspapers, social media, radio and television news, current affairs shows and so on. In telling his story, it was hoped the wider message of dog attack and dog-attack prevention would be widely disseminated (Townsville City Council 2015, pp.4, 7).

The Council was also keen not to rely only on shock or fear messages, as people may become apathetic towards such messages if not accompanied by relevant and achievable information about how they could become responsible pet owners. The campaign therefore also included key information on what people could do to become more responsible pet owners (Townsville City Council 2015).

A related campaign was run in 2015-16 focusing on wandering dogs. There was also an increased focus on disseminating responsible pet ownership information through social networks such as Facebook and YouTube. In addition there was a continued use of billboard advertising on buses and billboards outlining features of responsible pet ownership, as this was perceived as a strength of the 2014 campaign (Townsville City Council 2015). A campaign focusing on barking is planned next.⁴⁰²

The Council has noted:

We are aware that fear campaigns suffer from diminishing returns as far as audience attention (Hastings, Stead, & Webb, 2004). The need to finesse the message while retaining impact will be central to the objectives of the upcoming campaign. (Townsville City Council 2015, p.8)

Townsville City Council has stated that, a year after the initial airing of the advertisements, 'it still has people talking about its central message' (Townsville City Council 2015, p.6). Whilst the campaign has not been formally or externally

402 Mr Mykel Smith, Townsville City Council, correspondence received 19 February 2016.

evaluated, it has received much positive feedback and won the Government Communications Australia 2015 Award for Excellence. The Council has noted that, despite the population of Townsville growing, the number of dog attacks in the city dropped from 596 in 2013 to 545 in 2014 (Townsville City Council 2015, p.6).

Representatives from Mitchell Shire Council lauded the campaign's non-traditional and even confronting approach:

They [Townsville City Council] started in 2012 with a traditional message: nice soft, fluffy, little, cute pictures of dogs and cats and 'Do the right thing, please' – asking nicely. But they found that the program that they had implemented at that stage really was not getting the message across. It was not decreasing the number of attacks or opportunities for corrective behaviour in the community. So they sat down last year and decided to do a more aggressive dog campaign... The campaign that they have taken this time is more based around something you would see more along the lines of a TAC [Transport Accident Commission] ad. It is in your face. It says it how it is. It is confronting. I would not say that it is actually upsetting as such, but I was really impressed when I saw these presented at the AIAM [Australian Institute of Animal Management] conference...⁴⁰³

In particular, the campaign's use of mixed media was praised:

And the great thing with the two different campaigns that they have there is the flooding of the market that they have done. They have used billboards, they have used the back of buses, they have actually used the animal control vehicles that are used and seen on the roads – they have 15 of them or something – so they certainly do get their value for money out of it.⁴⁰⁴

The Committee considers that this campaign is worth consideration in Victoria. However, it notes that the City of Townsville is much smaller than Victoria, with its own television network and the ability to deliver such a campaign at a small cost. As Mr Julian Edwards from Mitchell Shire Council stated:

... Townsville is a council that effectively has its own TV network, similar to a Shepparton, a Ballarat or a Bendigo, where they can really hit a volume of people; whereas when you have metropolitan councils and your interface councils you just cannot get that same result with an advertising campaign unless it is state-government led.⁴⁰⁵

Nonetheless, the Committee considers that Townsville's harder-hitting approach may be a valuable tool in reducing dog attacks and improving public safety. The Committee believes that further thought should be given to whether there is anything in Townsville's approach that might be worth adopting in Victoria.

RECOMMENDATION 8: That the Department of Economic Development, Jobs, Transport and Resources explore the advertising and publicity campaigns about dog safety recently conducted by the Townsville City Council to identify whether any aspects of these campaigns would be appropriate and practicable in Victoria.

⁴⁰³ Ms Elke Tapley, Community Compliance Coordinator, Mitchell Shire Council, *Public Hearing*, 17 November 2015

⁴⁰⁴ Ms Elke Tapley, Community Compliance Coordinator, Mitchell Shire Council, *Public Hearing*, 17 November 2015.

⁴⁰⁵ Mr Julian Edwards, Planning and Compliance Manager, Mitchell Shire Council, *Public Hearing*, 17 November 2015.

6.6.2 Nedlands City Council (Western Australia) – *Dog Behavioural Management Program*

The *Dog Behavioural Management Program* of the Nedlands City Council was also noted by one submitter.⁴⁰⁶ The City of Nedlands is situated in the western suburbs of Perth, Western Australia. It has a population of 20,500 people. As with the Townsville program, the Nedlands program was based on trying to prevent problems rather than addressing problems once an incident had occurred.

A number of programs and approaches were developed and trialed as part of a pilot program from 1990 to 1995. These included:

- a *Living with Your Dog Course* – delivered to the public over six two-hour sessions, covering topics such as appropriate breeds, dangerous dogs, the legal responsibilities of owners and common behavioural problems
- a 44-page booklet on dog behaviour and the law, issued to all dog owners, including information on dog attacks, restricted breeds and how owners can comply with the law
- visits to schools by the Senior Ranger and local veterinarians targeting year 5 classes
- the establishment of a six-week dog training program, with a local veterinarian in charge to ensure a high standard
- a dog agility track with equipment for large and small breeds
- a support network through which owners could seek advice from council rangers and veterinarians about behavioural problems (Raine 1996).

The programs and services offered through the *Dog Behavioural Management Program* were not of themselves particularly innovative. However, as a *combined* package, they have been held up as an excellent holistic way of assisting dog owners at local community level to become more responsible for their pets. As Raine has stated:

The advantages of the behavioural management program are:

- Information and assistance is geographically localised and directly related to an owner's individual problem.
- Advice could be obtained on dog behaviour, health, welfare, and training and the owner's legal responsibilities.
- Costs to the local authority are minimal as private enterprise constructed the activity track and ran the training courses, and users paid for professional services.
- The information is conveyed by appropriately qualified people and is objective and informative. (Raine 1996)

406 Ms Diana Rayment, *Submission 177*, 10 July 2015.

An important benefit of the program was that the ranger service and council were seen as educators for the first time. Rangers were able to interact with dog owners in a positive and pro-active manner, reducing an ‘us and them’ attitude between rangers and the public (Raine 1996).

The Committee was informed that, according to Council records, there was a 50 per cent reduction in dog offences (including dog attacks) after the program was implemented, despite no increase in the number of rangers employed by the municipality (Raine 1996). However, the Committee understands that some components did require additional funding and that not all components were funded following the pilot.

6.7 The role of media in disseminating messages on dog safety

It is also important to note the role of the media in disseminating and promoting messages about dog safety and responsible dog ownership. As discussed earlier in this chapter, the media and associated advertising agencies have played important roles in developing and promoting messages and campaigns about interacting with dogs in Victoria and elsewhere.

As noted in Section 6.4.1 of this chapter, Fenton Communications recommended that the former Victorian Bureau of Animal Welfare⁴⁰⁷ engage with the media as a way to build the reputation of the Bureau as a trusted source of care information rather than just a regulatory body (Fenton Communications 2013, p.10).

Mr Bill Bruce from the City of Calgary noted the importance of managing the relationship with the media as part of the Calgary Model (see Section 7.8.2 of this report):

I handled all of our media personally, 7 days a week, 24 hours a day. When a bite occurs there is a set process we go through in the vast cases, and the first is to get that dog in custody. The first message to the community is this dog has bitten somebody, it is in custody and an investigation has started, and that is actually a calming signal to the community. This dog is safe; it cannot hurt anybody. And then we are very open with what happened, why it happened, where it happened, how it happened and what could have prevented it. We actually got excellent cooperation from the media, but we did it by making sure we flooded them with information. We did not hold back. We were not hard to get a hold of. We were open and honest and always offering solutions.⁴⁰⁸

Positive and effective engagement with the media is particularly important, given that the media may often be a source of inaccurate or unhelpful information. A number of submitters and witnesses suggested that the media has been responsible for providing misinformation about Pit Bulls. For example, a submission from the Canine Welfare Alliance of Australia writes that it:

⁴⁰⁷ Now the Domestic Animals Unit of the Department of Economic Development, Jobs, Transport and Resources.

⁴⁰⁸ Mr Bill Bruce, former Director of Animal Services, City of Calgary (Canada), *Public Hearing*, 20 October 2015.

... strongly believes that the media has played a role in adding to the stigma surrounding American Pit Bull Terriers and has misrepresented the breed in serious attack incidents. The Australian media plays a huge part in the breed discrimination that has grown tremendously over the last couple of decades and the unsubstantiated claims that certain breeds of dogs, including the American Pit Bull Terrier, are largely responsible for the majority of incidents.

Having significant influence on public opinion and endless resources, media outlets across Australia have very quickly joined the knee jerk reaction to label specific breeds of dogs, namely Staffordshire and Bull-type Terrier breeds, as “*dangerous*” or “*menacing*”. They do this by using statistics relating to specific breeds that, with a little further research, can be ruled out as inconclusive; the media often presents sensationalist and inflammatory, ill-informed articles that incorrectly identify the breeds of dogs involved in incidents; and by using negative images of bull breeds, even when the dog breed has been determined not to be an American Pit Bull Terrier. In any other forum this continuous selective use of data, information and images, could be seen as a form of propaganda, and we strongly feel it has negatively impacted on public perception of certain breeds.⁴⁰⁹

Professor Coleman of the Animal Welfare Science Centre also commented in giving evidence that:

There have been plenty of examples, even in the media, where a particular breed has been associated with an adverse event and it has turned out that in fact the animal involved was an entirely different breed, because the people who are doing the reporting are unable to make that judgement. That is leaving aside the issue that many of the dogs that are in the community are crossbreeds anyhow, and to decide what particular breed we are talking about can be just a difficult factual issue, let alone what people might say about it.⁴¹⁰

Studies in other countries have similarly identified that the media often misreport the breed of dog involved in attacks and are more likely to report attacks by Pit Bulls than attacks by other breeds (Patronek et al. 2013, pp.1733-4; Patronek & Slavinski 2009, p.337). This may feed into ‘moral panics’ as discussed in Section 1.5.2 of this report.

Mr Daniel Dyson from the Casey City Council also made the point that the media reportage on certain types of dogs may in fact make them more desirable for particular types of owners:

The general opinion is that all Staffordshire terrier-type dogs are pit bull terriers. This is reinforced by the media, which tend to focus on incidents of particular breeds. In my experience, a percentage of people want to own dogs that are subject to a lot of media attention.⁴¹¹

409 Canine Welfare Alliance of Australia, *Submission 217*, 17 July 2015.

410 Professor Grahame Coleman, Animal Welfare Science Centre, University of Melbourne, *Public Hearing*, 18 November 2015 (see also Mr Rob Spence, Chief Executive Officer, Municipal Association of Victoria, *Public Hearing*, 17 November 2015).

411 Mr Daniel Dyson, Local Laws Officer, Casey City Council, *Public Hearing*, 17 November 2015.

Similarly, Mr Bruce told the Inquiry:

... part of the problem we are facing ... and I firmly believe this, is that the media actually encourages that [irresponsible ownership], because people who think they are going to get a dog to make them a stronger person will gravitate towards the breeds that the media makes a big splash in the news about. They get that they are a strong dog, and that is not always the case, and they turn out to be your poor owners.⁴¹²

The Committee considers that the media have the potential to be an important part of any education campaign aimed at reducing the risk of dog attacks. Engaging positively with the media is particularly important for ensuring that helpful and accurate information is disseminated.

Most councils include strategies for dealing with the media in their Domestic Animal Management Plans. Many seek to use media to remind people about registering their pets. Some councils also aim to promote responsible pet ownership through the media, through strategies such as:

- ‘Use media and relationships with Local hospitals and Doctors to encourage and ensure reporting of dog attacks on persons educate community about dog confinement and problem and penalties for dog attack’ (Colac Otway Shire Council Domestic Animal Management Plan 2013)
- ‘Report outcomes of all prosecutions (and regular updates on number of infringements) regarding noncompliance with declared dog identification and keeping requirements to local media to raise awareness in the community about declared dogs’ (Banyule City Council Domestic Animal Management Plan 2012-2016)
- ‘Report outcomes of major dog attack prosecutions to local media to raise awareness in the community of the need to report dog attacks and Council’s actions in relation to attacks’ (City of Greater Bendigo Domestic Animal Management Plan 2012-2016).

The Committee encourages councils to use the media as much as possible to promote messages about responsible pet ownership and how to reduce the risk of dog attacks.

6.8 Conclusion

Clearly, as this chapter indicates, education strategies are an important aspect of preventing undesirable dog behaviours, including dog attacks. A range of good education programs is currently being delivered by the State Government and by local councils in Victoria. The Committee notes that some councils have stated that they require more funding to deliver education programs. Funding for local councils is discussed further in Section 9.6.3 of this report.

⁴¹² Mr Bill Bruce, former Director of Animal Services, City of Calgary (Canada), *Public Hearing*, 20 October 2015.

To ensure that education programs are delivering the intended benefits, it is essential for them to be rigorously evaluated. A number of independent evaluations have been conducted of programs at the state level, and the Committee has recommended that these evaluations continue. The Committee also notes some interesting work done in other jurisdictions which should be considered by Victoria, especially the *Who Are Your Pets Hurting?* campaign in Townsville.

It is also essential to acknowledge that education is not the whole answer to reducing dog attacks or promoting responsible dog ownership. Many animal welfare organisations, local governments and other participants in this Inquiry have indicated that education needs to be accompanied by strategies to encourage responsible owner behaviour and discourage irresponsible behaviour. These strategies are explored in Chapter 7 of this report.

7 Responsible pet ownership as a strategy to reduce dog attacks

7.1 Introduction

Responsible pet ownership strategies centre on the encouragement of responsible dog management in combination with strict punitive measures for irresponsible dog ownership. This is sometimes referred to as a ‘carrot and stick’ approach. The Calgary Model, discussed in Section 7.8.2 of this chapter, is often held as a better-practice example of a responsible pet ownership policy.

The approach is based on the premise that owning a pet is a responsibility, not a right. As one witness told the Inquiry:

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.⁴¹³

Responsible pet ownership is viewed as one of the key ways in which dog attacks and dog bites can be prevented or at least reduced. As indicated in the quote above, many submitters and witnesses considered that responsible pet ownership strategies would be a better way of reducing dog attacks than breed-specific legislation.

Education is a key part of the approach, and many of the education programs discussed in Chapter 6 of this report clearly overlap with responsible pet ownership policies and programs.⁴¹⁴

This chapter looks at some of the ways that responsible behaviour can be encouraged, including registration, microchipping and de-sexing. Making council registration easier and providing incentives to register pets are identified as important steps for encouraging responsible pet ownership.

Another key aspect of this approach is tackling non-compliance and identifying people who are not responsibly looking after their dogs. This chapter looks at these aspects and ways that councils may be better empowered to deal with such problems.

Finally, the chapter looks at two international jurisdictions that have adopted responsible pet ownership strategies – England and the City of Calgary in Canada.

⁴¹³ Ms Terri MacDonald, Member, DOGS Victoria, *Public Hearing*, 10 November 2015.

⁴¹⁴ For example, the Responsible Dog Ownership Course and the school and kindergarten education programs provided by the Department of Economic Development, Jobs, Transport and Resources (see Section 6.4 of this report).

A number of organisations that gave evidence to the Committee argued for better resourcing of councils in undertaking their animal management duties, encouraging responsible pet ownership and enforcing dog control provisions. The Australian Veterinary Association's submission is illustrative:

Resourcing is often a major barrier to effective enforcement, and this problem needs to be addressed effectively to achieve tangible reductions in dog bite incidents.

No policy solution will be effective without consistent enforcement to ensure a high level of compliance. Resourcing is often a major barrier to effective enforcement, and this problem needs to be addressed in every jurisdiction to achieve tangible reductions in dog bite incidents.⁴¹⁵

Resourcing is discussed in Section 9.6 of this report.

7.2 Registration and microchipping

People advocating responsible pet ownership strategies generally consider that authorities should focus on encouraging owners to voluntarily comply with laws and regulations in the first instance, with penalties reserved for those who refuse despite having the opportunity to comply. It is argued that local councils and other authorities should facilitate voluntary compliance:

The majority of dog owners are well-intentioned, and want to do their best by their dogs and their community. Best practice animal management involves helping people to achieve voluntary compliance. Removing barriers to compliance involves:

- a. subsidising services that keep dogs safe and well-cared, for example, by providing free or low cost access to desexing, vaccinations/titre testing, microchipping, training, education and information
- b. incentivising voluntary compliance, for example offering discounts on registration and rewards programs for completion of activities such as attending training or desexing
- c. building relationships between animal management and dog owners through an education first approach and a proactive and compassionate presence in the community. (Bruce et al. 2015, p.17)

A key first step to establishing effective relationships between dog owners and councils is ensuring that pets are registered.

415 Australian Veterinary Association Ltd (Victoria Division), *Submission 499*, 20 August 2015.

7.2.1 Dog registration

The benefits of registration

The importance of pet registration (referred to as ‘licensing’ in America) has been noted by Rock et al. They state:

Licensing of pets stems from recognition that these animals can legitimately live with people in urbanized societies, as a matter of personal choice. At the same time, pet licenses offer fellow citizens with a mechanism for intervening into the behavior of both owners and pets, by providing local governments with a way of tracing a particular pet to a particular owner when lodging formal complaints. Meanwhile, in the aggregate, licensing fees add up to substantial amounts of money that can be reinvested in animal-related community services, for the sake of both human and nonhuman lives.

Licensing may also be used to encourage desired behavior, such as providing pets with veterinary services, through financial incentives and related publicity (Coleman et al. 2010). Given the leverage that pet licensing provides on redressing threats and nuisances from pets, while also promoting well-being through animal-related community services, creative ways to encourage licensing merit consideration in both higher-income and lower-income settings. Use of revenue from pet licensing to fund animal-related community services may serve as an incentive for pet owners to purchase licenses, yet this approach has yet to be formally assessed in terms of health promotion. (Rock et al. 2014, pp.14, 17-18)

The registration of a pet dog with the local council is compulsory in Victoria for dogs aged three months and over. Registration fees provide some of the revenue used by local councils to deliver a range of animal-related services, including:

- pounds and shelter facilities
- dog bins and other facilities for dogs
- reunification of lost dogs with their owners
- information services and local events
- the activities of animal management officers, including the management of dangerous and menacing dogs.⁴¹⁶

A portion of local council registration fees is also passed to the State Government, where it funds activities of the Domestic Animals Unit.

Registration is viewed as one of the key aspects of responsible pet ownership and, in conjunction with sanctions for dog-related offences, one of the most effective ways of preventing and reducing dog-related incidents. It is argued this is in part because registration is often the first step in exposing pet owners to educational material around responsible pet ownership, including the benefits of socialisation

⁴¹⁶ See Department of Economic Development, Jobs, Transport and Resources, ‘Dog and Cat Registration’ <www.agriculture.vic.gov.au/pets/registration-legislation-and-permits/dog-and-cat-registration>, accessed 21 January 2016.

and training, de-sexing and microchipping (Clarke 2009 and references therein). Some councils link the registration process to the dissemination of materials on being an informed and responsible owner. Mitchell Shire Council explained:

Registration is the first step to being able to expose pet owners to educational material around responsible pet ownership, including the benefits of desexing, identification, socialisation and training. Owners who register their pets have greater access to educational material which can improve the welfare of their pets. Improved welfare positively impacts on the number of issues with dogs in the community that are reported to Council.⁴¹⁷

Ms Elke Tapley from the council explained that, ‘once they get on the books then we have the opportunity to bombard them with educational material’.⁴¹⁸

Ms Terri McDonald of DOGS Victoria noted the potential use of discounts on registration as a way of encouraging responsible pet ownership:

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.⁴¹⁹

Discounts on registration are currently used as a way of encouraging responsible pet ownership in Victoria. People are eligible for discounted registration fees if any of the following apply:

- the dog is de-sexed
- the dog has undergone obedience training
- the dog is registered with an approved organisation (such as DOGS Victoria) and the owners are members of the organisation.⁴²⁰

Some councils, such as Mitchell Shire Council, encourage dog registration through pro-actively conducting dog registration door-knocks – not to penalise owners who are found with unregistered dogs but to encourage them to subsequently register with the council.⁴²¹ The RSPCA has also recommended pro-active annual registration checks by councils, including door-knock programs, to capture unregistered pets and at the same time provide education and information, particularly with regard to their legal responsibilities.⁴²²

417 Mitchell Shire Council, *Submission 165*, 10 July 2015.

418 Ms Elke Tapley, Community Compliance Coordinator, Mitchell Shire Council, *Public Hearing*, 17 November 2015. A submission from Ms Angii Rotblat suggests that information pages on responsible dog ownership should be included with every annual registration reminder sent out by councils (Ms Angii Rotblat, *Submission 17*, 25 June 2015).

419 Ms Terri MacDonald, Member, DOGS Victoria, *Public Hearing*, 10 November 2015.

420 *Domestic Animals Act 1994*, Schedule; Department of Economic Development, Jobs, Transport and Resources, ‘Dog and Cat Registration Fees’ <www.agriculture.vic.gov.au/pets/registration-legislation-and-permits/dog-and-cat-registration/benefits-for-you-and-your-pet>, accessed 12 January 2016.

421 Ms Elke Tapley, Community Compliance Coordinator, Mitchell Shire Council, *Public Hearing*, 17 November 2015.

422 The Royal Society for the Prevention of Cruelty to Animals (Victoria), *Submission 489*, 14 August 2015.

Problems with registration

A number of submissions to the Inquiry from local councils have also suggested that registration levels are not as high as they should be. In 2006, it was estimated that only 60 per cent of Victorian dogs are registered (Department of Economic Development, Jobs, Transport and Resources 2015, p.16). Estimates of dog population by local councils suggest widely varying rates of registration between municipalities, from 99 per cent to 52 per cent.⁴²³

Some submitters suggested that low levels of registration may in part be due to a fear that dogs might be perceived as restricted-breed dogs and removed from their owners:

The current legislation encourages non compliance with registration requirements, not only for restricted breed dogs, but also for any other animals they may own. By imposing breed specific as well as dangerous dog legislation, many pet owners are confused by what the requirements to THEM is. As an example, during the investigation of restricted breed and dangerous dogs in 2012, publicity following Ayen Chol's horrendous death was at a high. New legislation was imposed, comments in relation to restricted breed dogs and dangerous dogs was mixed, a hotline to report 'dangerous dogs' was promoted at this time, further confusing the definition and intent of the new changes.

Pet owners feeling so confused, would not come forward to register, or bring attention to their dog, in case it was seen to fit into either category. Phone calls were received at Council at the time asking if their Rottweiler or Doberman were dangerous or restricted breed dogs. These pet owners with confusion over one dog, would therefore not bring further attention to themselves by registering any other pets, dogs or cats.⁴²⁴

Mr Brett Melke, a lawyer working on dog cases, believes an ignorance about the need to register is relatively widespread:

I think things like the lower registration fees is important because that should, you would think, encourage more people to register their dogs, though a lot of the time it seems people just do not seem to be aware of the need for registration. That might seem stupid, but actually I remember as a very young 21 or 22-year-old I was not aware of that. It was lucky that it was not actually me owning the dog. I think that is useful, but it is of limited use because I think there are other reasons people do not register their dogs. People just do not seem to think of it or consider it something amongst their priorities. I do not think there are a lot of them I have come across where it has really just been a financial issue.⁴²⁵

Similarly, it is argued that the current requirements for registration are confusing, with owners not exactly sure what their obligations are.

⁴²³ Committee calculations based on Loddon Shire Council 2013 p.4 and Hobsons Bay City Council 2013, p.8. Note also estimates by the Lost Dogs Home (Dr David Cunliffe, General Manager, Animal Welfare and Customer Service, Lost Dogs Home, *Public Hearing*, 17 November 2015).

⁴²⁴ Mitchell Shire Council, *Submission 165*, 10 July 2015.

⁴²⁵ Mr Brett Melke, Principal Lawyer, Melke Legal, *Public Hearing*, 17 November 2015.

The Australian Veterinary Association has suggested that registration should be built into other processes. Registration could be encouraged at the time of purchase:

You either got it [a new dog] from a breeder or you got it from someone you knew. You got it as a rescue animal from a pound. You got it from the RSPCA. At some stage you actually physically go and obtain that dog, but at no point in that purchase process are you given the ability or encouraged to register your dog with the council.⁴²⁶

The Australian Veterinary Association and other organisations have also suggested that registration could be better linked to microchipping.

7.2.2 Microchipping

Under the Domestic Animals Act, a local council must not register a pet unless it has been implanted with a 'prescribed permanent identification device' (that is, a microchip).⁴²⁷

Dr Paul Martin of the Australian Veterinary Association indicated that there is a high rate of microchipping in Victoria:

Microchipping came into Victoria a number of years ago and so the only dogs now that are not microchipped are dogs that are at the end of their life cycle or dogs that have been obtained in a non-regulated manner – in other words, from a backyard breeding situation. No dogs get released from pounds now that are not microchipped. No dogs get released from registered breeders and sold on to people without being microchipped. No dogs get released from any of the welfare agencies that are not microchipped. So we are very shortly going to be presented with the fact that 95 per cent or 98 per cent of the dog population of Victoria is in fact microchipped.⁴²⁸

However, the Committee also heard that the high rate of microchipping does not mean that there is a high rate of registration with local councils. Dr David Cunliffe of the Lost Dogs Home explained:

... 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... 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.⁴²⁹

The Knox City Council suggested that the low council registration rate may be a result of confusion between the microchip registration process and the local council registration process. The Council stated that, 'Clarification and simplification of both processes is required'.⁴³⁰ It argued:

⁴²⁶ Dr Paul Martin, President, Australian Veterinary Association (Victorian division), *Public Hearing*, 10 November 2015.

⁴²⁷ *Domestic Animals Act 1994* s 10C.

⁴²⁸ Dr Paul Martin, President, Australian Veterinary Association (Victorian division), *Public Hearing*, 10 November 2015.

⁴²⁹ Dr David Cunliffe, General Manager, Animal Welfare and Customer Service, Lost Dogs Home, *Public Hearing*, 17 November 2015.

⁴³⁰ Knox City Council, *Submission 216*, 17 July 2015.

Council requests the amalgamation of microchip registries with Council registration... These combined 'registration' details should then be transferable across local government authorities over the courses of the animals life providing greater access to animal history and ownership.⁴³¹

Linking the databases would also help councils to identify unregistered dogs that may be within their municipalities and then ensure that they are registered. Dr Martin of the Australian Veterinary Association explained:

It seems to me that councils, through legislation, could be enabled to and could very easily data match with that which is held by the microchip registries in Australia and then council would actually know that there is a dog at a particular place.⁴³²

In New South Wales, the State Government manages the microchip registry. It has also established a database of dogs that are registered with councils (see Section 8.2.2 of this report). This enables the Government to link council registrations and microchip registrations.

In Victoria, however, there are seven suppliers of microchips, each of which maintains its own database. Nonetheless, there may be options for supplying extracts from their database to councils, which may assist with improving the rate of registration in Victoria. Identifying unregistered dogs would provide more opportunities for local councils to encourage responsible pet ownership and to be better aware of the dogs in their municipalities and identify potential risks.

RECOMMENDATION 9: That the Department of Economic Development, Jobs, Transport and Resources work with microchip suppliers to establish a system for sharing information with local councils. The system should enable microchip companies to supply data in a format that councils can use to identify animals that are registered with a microchip company but not registered with local councils. Councils should then be able to investigate addresses with suspected unregistered animals to encourage registration.

7.2.3 Registration incentives

One suggestion that has been put forward for encouraging people to register their dogs is the provision of vouchers at the time of registration. As Dart and Goodwin comment, this helps to provide an answer to the question of 'Why should I register my pet and what do I get for it?' (Dart & Goodwin 2013, p.1).

In 2006-07 a state-wide *Pet Registration Incentive Scheme* was trialled by the State Government to increase pet registration. People registering pets for the first time received a voucher booklet which could be redeemed for pet-related products and services. The products were provided by corporate sponsors, the voucher booklets were produced by the State Government department and the booklets were distributed by local councils (Department of Economic Development, Jobs, Transport and Resources 2015, p.16).

⁴³¹ Knox City Council, *Submission 216*, 17 July 2015.

⁴³² Dr Paul Martin, President, Australian Veterinary Association (Victorian division), *Public Hearing*, 10 November 2015.

The scheme was trialled for 12 months and promoted through flyers, media advertisements, promotions at events and website advertising.

A survey conducted by the Department concluded that the campaign was successful in raising awareness of the need for pet registration and increasing people's perception of the value of registration. The number of registered dogs and cats increased by 10.1 per cent over the year in which the trial was run (Department of Economic Development, Jobs, Transport and Resources 2015, p.16).

The scheme was not, however, extended beyond the trial period. The Department of Economic Development, Jobs, Transport and Resources explained:

Although the results of the ... survey were encouraging, the increase in the number of pet registrations was not significant enough to justify the time and money required to continue the activity. (Department of Economic Development, Jobs, Transport and Resources 2015, p.17)

A similar program is currently in place in the City of Ipswich, Queensland. The *Registration Rewards Program* started as a pilot program in 2013 and has continued since then. Nineteen local businesses participated in the initial pilot, including two veterinary clinics. This has since expanded to 29 participating businesses, including 11 veterinary clinics.⁴³³

The program now offers vouchers worth over \$2,000, which are included in a booklet that also provides information on responsible pet ownership, pet health and pet wellbeing. Vouchers relate to pet care products, veterinarians, boarding kennels and even local cinemas. The vouchers are provided to both people registering pets for the first time and people renewing registrations.⁴³⁴

Ipswich City Council also hopes that:

... microchipping, desexing and vaccination rates will increase as a subset of the program (through increased value of pets, stronger relationships between owners and vets, motivation for services through vouchers etc). In addition to a range of animal management services Council currently provides there is now something quite tangible for owners to benefit from when they pay their registration. (Dart & Goodwin 2013, p.2)

The program is scheduled to continue until at least June 2016, with preparation underway for the 2016-17 program. The Council will be looking at commissioning a formal evaluation of the program in 2016-17.⁴³⁵

433 Ms Barbara Dart, Ipswich City Council, correspondence to the Committee, received 10 February 2016; Ipswich City Council, 'Animal Registration Rewards Program' <www.ipswich.qld.gov.au/residents/animals/rewards_program>, accessed 7 March 2016.

434 Ipswich City Council, 'Animal Registration Rewards Program' <www.ipswich.qld.gov.au/residents/animals/rewards_program>, accessed 12 January 2016.

435 Ms Barbara Dart, Ipswich City Council, correspondence to the Committee received 10 February 2016.

The Committee notes that one major difference between Ipswich's program and Victoria's is the value of the vouchers included. Whereas Ipswich provides over \$2,000 worth of value,⁴³⁶ the Victorian vouchers were valued at \$40 (Department of Economic Development, Jobs, Transport and Resources 2015, p.17). If the evaluation of Ipswich's program shows that it has had a large impact on registration rates, the Department of Economic Development, Jobs, Transport and Resources may wish to use it as a model for a program in Victoria.

7.2.4 Return-home policies

Another technique that has been used to encourage people to register their pets is a 'return-home' or 'drive-home' policy. The paper by Bruce et al. that was submitted to the Inquiry explains:

The majority of councils take pets found at large straight to the pound, thereby incurring impoundment fees as well as infringements for the owner. If the owner can't afford to immediately bail their dog out, the impoundment fees continue to escalate on a daily basis. Costs often spiral out of reach very quickly and frequently results in the animal being abandoned.

A more progressive practice involving 'drive home' policies where dogs are returned directly to their owner, at low expense, with an optional caution available for first time offenders. Impoundment stress and expense is avoided, and the animal management officer is able to educate the owner face-to-face about the relevant issues whilst inspecting in-situ the circumstances of the escape and providing direction on how to remediate any contributing factors.

Perhaps even more powerfully than the above factors, drive home programs tangibly demonstrate to owners the benefit of registration and microchipping, as well as positively reinforcing to that individual the importance of continued compliance. Such measures are key to encouraging voluntary compliance within a community, and in particular one such as Victoria where there has never existed a perception of value related to licensing fees. (Bruce et al. 2015, pp.20-1)

Bruce et al. also indicated that a return home policy was adopted in Calgary, Canada, as a result of 'pure maths'. In other words, it was thought more cost effective to take a pet home than it was to keep it in a pound 'and it provided the same payable fee to the City whilst reducing outgoings and administration' (Bruce et al. 2015, p.14). However, the Committee notes that the City of Calgary is a relatively compact urban municipality and the same 'maths' may not apply to some of Victoria's diverse municipalities.

A submission from Ms Diana Rayment also speaks to the importance of return-home policies. She states that the Calgary approach of 'registration is your pet's ticket home' is effective in increasing owners' compliance with registration and other regulatory requirements.⁴³⁷ Similarly, dog trainer Brad Griggs told the Inquiry:

⁴³⁶ See City of Ipswich, 'Animal Registration Rewards Program' <www.ipswich.qld.gov.au/residents/animals/rewards_program>, accessed 12 January 2016.

⁴³⁷ Ms Diana Rayment, *Submission 177*, 10 July 2015. See also Toronto Auditor General's Office 2011, p.10.

... a drive-home policy for a dog that is not on its property and has not been adequately contained and kept in a compliant fashion offers the very first frontline opportunity for that animal management officer to go and deliver that dog home, have a look at why it got out, speak with the people about how they are keeping the dog and prevent things from happening further on.⁴³⁸

This approach may also reduce animosity between owners and animal management officers, as it may help officers to be perceived as helpers rather than people issuing fines.

Mitchell Shire Council informed the Committee that it is moving towards this sort of approach. Ms Elke Tapley from the Council spoke to a new project the Council is piloting to ensure more dogs are registered and are therefore able to be returned to owners if found at large:

It is a project that we are starting to implement at the moment and then breaking it down into different sections. The idea concerns the amount of time and resources that we put into collecting dogs and taking them to the pound and the fact we do not have that many that we can actually take back home because they are not registered, so what we are looking at doing is trying to reduce the number of dog attacks in our areas by reducing the number of dogs that are actually wandering. Our main focus with this project is around wandering and, taking it back to bare basics, is identification, ownership and confinement. What we are looking to do is introduce a registration doorknock to try to get as many on the books as possible so that we can actually avoid taking them to the pound if they do get out. Plus once they get on the books then we have the opportunity to bombard them with educational material, so it works both ways.⁴³⁹

The Committee considers that return-home policies have the potential to improve registration rates and the relationship between dog owners and councils. They also facilitate council officers examining the property from which a dog has escaped and providing advice to owners to prevent future escapes. These benefits may increase levels of responsible dog ownership. As noted by Bruce et al., return-home policies may also provide overall financial savings to local councils. The Committee therefore considers that councils should be encouraged to implement this approach where practicable.

RECOMMENDATION 10: That the Department of Economic Development, Jobs, Transport and Resources encourage local councils to implement return-home policies for registered pets where practicable.

⁴³⁸ Mr Brad Griggs, owner and operator, Canine Services International, *Public Hearing*, 24 November 2015.

⁴³⁹ Ms Elke Tapley, Community Compliance Coordinator, Mitchell Shire Council, *Public Hearing*, 17 November 2015. See also comments of Mr Brett Melke, Principal Lawyer, Melke Legal, *Public Hearing*, 17 November 2015.

7.3 De-sexing dogs

In Victoria, local councils may not register a restricted-breed dog or dangerous dog unless it has been de-sexed (with some exceptions).⁴⁴⁰ However, councils can choose whether or not to require other dogs to be de-sexed.⁴⁴¹

The benefits of de-sexing were noted by a number of submitters and witnesses. The Australian National Desexing Network notes that the de-sexing provides health, behavioural and financial benefits, including:

- Pets are less prone to wander, fight, and are less likely to get lost or injured.
- Reduces territorial behaviour...
- Less likely to suffer from anti-social behaviours. They become more affectionate and become better companions.⁴⁴²

Most significantly in terms of this Inquiry, a number of studies have found that de-sexed dogs are less likely to attack and injure humans, though some studies have found this not to be the case (see Section 2.5.2 of this report).

The Lost Dogs Home pointed out to the Inquiry the benefits of de-sexing dogs and the dangers associated with not doing so:

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... 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.⁴⁴³

The RSPCA has stated that de-sexing forms an essential part of a strategy for reducing dog attacks:

... male entire dogs are at greater risk of aggression and female entire dogs add to this risk by attracting entire males. Increased desexing rates can be achieved through desexing prior to sexual maturity, mandatory desexing prior to rehoming and breeder registration for entire dogs.⁴⁴⁴

⁴⁴⁰ *Domestic Animals Act 1994* s 10A(4).

⁴⁴¹ *Domestic Animals Act 1994* s 10A(1).

⁴⁴² National Desexing Network, 'Benefits of Desexing' <www.ndn.org.au/benefits-of-desexing.html>, accessed 4 February 2016.

⁴⁴³ Dr David Cunliffe, General Manager, Animal Welfare and Customer Service, Lost Dogs Home, *Public Hearing*, 17 November 2015.

⁴⁴⁴ The Royal Society for the Prevention of Cruelty to Animals (Victoria), *Submission 489*, 14 August 2015.

A number of programs are in place in Victoria to encourage the de-sexing of dogs. Registration fees are discounted across Victoria for de-sexed dogs⁴⁴⁵ and some councils have programs to encourage de-sexing.⁴⁴⁶

The Australian Capital Territory requires all dogs to be de-sexed unless they have received an exemption⁴⁴⁷ and similar laws have been recently proposed for South Australia.⁴⁴⁸ Mandatory de-sexing (except for breeding dogs) has been advocated by some submitters to this Inquiry.⁴⁴⁹ Others, whilst wishing to encourage de-sexing, have argued against *compulsory* de-sexing:

... mandatory desexing is not supported as it has been proven to increase impounding (and therefore euthanasia) rates of companion animals, as well as being a drain on AMO [animal management officer] resources with no measurable benefits when it comes to either public safety or euthanasia rates. (Bruce et al. 2015, p.4)

However, the South Australian Select Committee Inquiry on Companion Animals noted:

It is recognised that de-sexed animals are less likely to wander; de-sexing therefore lessens certain obvious animal and public welfare issues (they may be injured or cause injury). There are also animal welfare issues due to failure to de-sex animals as there is an increased propensity to develop various medical (uterine or testicular) conditions in the entire animal. As the D&CMB [Dog and Cat Management Board] put it in their testimony to the Select Committee: “The regulation of the breeding potential of dogs may influence not only the numbers of inappropriately behaved dogs requiring euthanasia but also the incidence of dog-related injury in the community, because we know that de-sexed dogs are less likely to bite.”

On that point, the Domestic Animal Service in the ACT has recorded a 47 per cent reduction in dog attacks since 2001 when legislation requiring all dogs and cats to be de-sexed was introduced. There are undoubtedly other factors which have contributed to this reduction but the requirement to de-sex pet dogs seems to have made a positive social impact. (South Australian Select Committee on Dogs and Cats 2013 p.30)

445 *Domestic Animals Act 1994*, Schedule.

446 An interesting program to facilitate the de-sexing of dogs (particularly Pit Bulls) in low-income neighbourhoods of Oakland/San Francisco, California, was noted in a submission from the group BADRAP.org:

Since 2004, BADRAP has distributed vouchers for free spay/neuter surgeries to dog owners in under served neighbourhoods. Despite the popularity of free vaccines and dog training help, the public response to the vouchers was lukewarm, and we recognized that even those dog owners with the best intentions were procrastinating making their dog’s surgery appointments for a variety of reasons. So ... the decision was made to offer same-day on-the-spot surgeries in order to increase participation. The results were immediate... Providing low and no cost services through welcoming outreach events has been instrumental in allowing us to build trust with some of the same dog owners who had been demonstrating sub-par breeding and management practices, and it allows us opportunities influence lasting positive change.

Experience has shown that keeping the focus on the dog owners and supporting them with very basic care and training information can inject our communities with responsible action know-how, no matter the breed make-up of their dogs. (BADRAP.org, *Submission 202*, 10 July 2015).

447 *Domestic Animals Act 2000* (ACT) s 74.

448 The Dog and Cat Management (Miscellaneous) Amendment Bill 2015, providing for the de-sexing of dogs in South Australia (except for breeder and farm dogs), was introduced on 18 November 2015 in the Legislative Council. At the time of writing, it has yet to be debated in the House of Assembly.

449 The Lost Dogs Home, *Submission 187*, 10 July 2015 and Stonnington City Council, *Submission 69*, 6 July 2015.

Ultimately the South Australian Select Committee decided against the compulsory de-sexing of dogs (although it did recommend compulsory de-sexing of cats). It was thought that educational measures would be more persuasive in increasing the number of dogs de-sexed.

The Committee recognises that there are a number of advantages to de-sexing dogs, including that it may reduce the rate of serious injuries from dog attacks. For these reasons, the Committee is sympathetic to the proposal that all dogs should be de-sexed unless they are registered for breeding. However, the Committee notes that this is a complex area in terms of the evidence. The Committee also understands that mandatory de-sexing may reduce registration rates, as people not wanting to de-sex their dogs seek to hide the dogs from the authorities. Given the importance of registration as a means to encouraging responsible pet ownership, this may be a significant disadvantage.

Due to the complexities of this issue, the Committee has not formed a view on whether or not compulsory de-sexing should be introduced in Victoria. The issue is beyond the scope of this Inquiry and therefore has not been thoroughly explored by the Committee. However, the Committee considers that this is an important matter that should be investigated further.

RECOMMENDATION 11: That the Department of Economic Development, Jobs, Transport and Resources investigate whether mandatory de-sexing for dogs (other than those registered for breeding) would be likely to reduce the rate of serious injury from dog attack. The Department should report its findings along with any recommendations to the Government for consideration.

7.4 Enforcement for non-compliance

7.4.1 The importance of enforcement

A critical part of the responsible pet ownership approach is that the onus for a dog's behaviour falls entirely on the owner. As Bruce et al. explain, 'The owner is entirely responsible for the actions of the dog, and must take all reasonable steps to ensure it behaves appropriately and is properly cared for' (Bruce et al. 2015, p.17).

Encouraging owners to do the right thing and facilitating them being responsible are important elements of the responsible pet ownership approach. However, when owners do not comply with their obligations despite being given the opportunity, there is a need for heavy penalties and to have those penalties rigorously enforced.⁴⁵⁰ Seksel states in this regard:

From an enforcement perspective it is important that Local Government Authorities follow up swiftly and consistently on incidents of non-compliance. Action against owners in incidence of non-compliance needs to be well publicised so other dog

⁴⁵⁰ This is certainly one of the 'arms' of the Calgary Model (see Section 7.8.2 of this chapter).

owners are reminded of the potential consequences of non-compliance. This will ensure that dog owners are kept fully aware of their obligations to control their dogs appropriately...

Increasing penalties for non-compliance and increasing the intensity of enforcement of the [legislation] may also assist in improving compliance with the [legislation]. (Seksel 2002, p.14)

Bruce et al. agree that enforcement is necessary, though only as a last resort:

Stringent enforcement should be limited to those that offend blatantly, with clear disregard for public safety and/or animal welfare, and repeat offenders, where attempts at education have failed to result in compliance. (Bruce et al. 2015, p.17)

Certainly when it comes to dog attacks in public places,⁴⁵¹ it is thought more stringent compliance with leash or containment regulations would help reduce the number of attacks. Bradley states in this regard:

The most direct approach to this concern is to more stringently enforce leash laws. A study of 36 Canadian municipalities found that the communities with the highest rates of ticketing for animal control violations (primarily leash law and confinement infractions) had the lowest rates of reported dog bites. One European study of dog bites to children found that all of the cases involving bites from dogs unknown to the child that occurred outside a home could have been prevented by simply leashing the dog... Beyond encouraging the basics of responsible animal care, it is possible to have a law that identifies people who disregard the leash and confinement laws and whose dogs present a demonstrable threat to humans. These are the dogs with a history of injuring, and whose owners then continue to allow them access to people who might be injured. Incidents of repeat injurious bites should carry heavy penalties. (Bradley 2014, pp.21-2)

7.4.2 Increased penalties

The City of Calgary followed a rule of thumb that fines for non-compliance were most effective when they were approximately ten times the cost of obeying the by-law (see Section 7.8.2 of this report). In Victoria, the average fine for most non-compliance offences relating to registration, restraint and microchipping ranges between 5 penalty units (currently \$758) and 20 penalty units (\$3,033).⁴⁵²

A number of people who gave evidence to this Inquiry believed that more severe penalties may be merited for infringements of the Domestic Animals Act such as allowing one's dog to be off leash or to wander at large.⁴⁵³ The Australian Veterinary Association has also advocated strong penalties for serious cases:

⁴⁵¹ As seen in Section 2.4.2 of this report, attacks in public places are only responsible for a minority of dog-attack injuries.

⁴⁵² The value of a penalty unit is adjusted annually.

⁴⁵³ See for example, Mr Brett Melke, Principal Lawyer, Melke Legal, Public Hearing, 17 November 2015; Ms Terri MacDonald, Member, DOGS Victoria, Public Hearing, 10 November 2015; cf. East Gippsland Shire Council, *Submission 219*, 20 July 2015.

Sufficiently strong penalties to deter owners from disobeying all regulations are an important component of enforcement. Penalties for non-compliance should be financial when the dog has not threatened or injured any animal or person, but may include removal of the dog where the dog has behaved in a dangerous manner. Imprisonment may be appropriate in some circumstances such as repeated dangerous dog offences, “setting” a dog on a person or use of a dog in the commission of a crime.⁴⁵⁴

Even in Calgary, Mr Ryan Jestin (Director of Animals and By-law Services) told the Inquiry that their penalties for irresponsible behaviour could probably go further:

... I do think that our fines are not yet enough of a deterrent for those folks who would have their pit bulls and have the very aggressive animals at home. Although we can get up to \$10 000 from a fine through the courts and the court system, what I would really like is our fines to be a true deterrent to folks to make sure that, no. 1, they have their pet licensed, and no. 2, they actually have them under control.⁴⁵⁵

Mr Jestin adds the rider, though, that irresponsible owners are not necessarily bad people. In the first instance, penalties linked to more educative processes are therefore important.

However, where owners are repeatedly irresponsible and refuse to take actions to address issues, it may be appropriate to ban them from owning dogs.⁴⁵⁶ Currently in Victoria, only a court has the power to ban a person from owning animals and only if the dog has actually attacked, if the person has wilfully urged the dog to attack or chase or if the person has committed some act of cruelty.⁴⁵⁷ Extending this power to local councils may provide councils with a useful tool for managing recalcitrant owners before an attack occurs.

7.4.3 Additional flexibility for local councils

For the responsible pet ownership approach to be most effective in preventing dog-attack injuries, it is important to identify and manage dog owners who are not being responsible *before* their dogs attack anyone. This may require a range of penalties or interventions to be at councils’ disposal. As the RSPCA explained:

A pro-active approach by Councils is needed to address responsible ownership, check husbandry/care is provided, and work with the owner to resolve causes of the issue: escapee, intentional disregard for law, etc. combined with increasing punitive approach for repeat offending or nuisance behaviour, which includes compulsory training and/or de-sexing. There should be an ability to retain the dog pending correction measures by the owner such as securing fencing.⁴⁵⁸

⁴⁵⁴ Australian Veterinary Association Ltd (Victoria Division), *Submission 499*, 20 August 2015.

⁴⁵⁵ Mr Ryan Jestin, Director, Animals and By-law Services, City of Calgary (Canada), *Public Hearing*, 18 November 2015.

⁴⁵⁶ Greater Geelong City Council, *Submission 242*, 23 July 2015.

⁴⁵⁷ *Domestic Animals Act 1994* s 84XA; *Prevention of Cruelty to Animals Act 1986* s 12.

⁴⁵⁸ The Royal Society for the Prevention of Cruelty to Animals (Victoria), *Submission 489*, 14 August 2015.

A number of stakeholders argued that the provisions of the Domestic Animals Act were not flexible enough for councils to manage irresponsible dog owners in the most effective ways. Several options to provide councils with more flexibility were suggested as part of this Inquiry.

Power to issue fines in more circumstances

The Knox City Council argued that it should have the ability to issue fines for cases of minor instances of irresponsible dog management. As an example, the Council cited non-compliance with the conditions attached to declared dangerous or menacing dogs, such as not wearing the prescribed collar or not erecting warning signs on the property. Currently, a council has to launch a prosecution through the Magistrates' Court in order to penalise the person responsible for such a breach.⁴⁵⁹

Additional declaration categories

The current legislation gives councils the options of declaring a dog to be menacing or dangerous, with various restrictions applying as a result (see Section 3.3.3 of this report). A number of participants in this Inquiry advocated for more flexibility regarding declarations.

The Knox City Council advocated for a new way of dealing with an irresponsible owner whose dog's behaviour falls between menacing and dangerous:

Council requests another tool be made available for officers which would allow lesser restrictions than a dangerous dog declaration but provides greater restrictions [than] afforded by the current Menacing dog provisions (Menacing declaration only relates to the control of the animal off the property when accompanied by the owner (muzzle/lead) and not to containment on the property).⁴⁶⁰

Mitchell Shire Council similarly noted that the Act 'does not provide an in between control' for an attack at the lower end of the spectrum in terms of injury.⁴⁶¹ The Council explained:

... a relatively minor incident which has broken the skin must be dealt with through the arduous process of holding a dog until the outcome of a prosecution. In these instances Council is unable to issue an infringement which may be a more suitable form of punishment.⁴⁶²

The Knox City Council also argues the Act does not sufficiently differentiate between dog attacks on a person and those on another animal:

459 Knox City Council, *Submission 216*, 17 July 2015.

460 Knox City Council, *Submission 216*, 17 July 2015.

461 Mitchell Shire Council, *Submission 165*, 10 July 2015.

462 Mitchell Shire Council, *Submission 165*, 10 July 2015.

It could be argued that a dog being aggressive towards a person is a more serious than a dog being aggressive towards another dog or animal, however the legislation dictates that both scenarios are treated the same... Council requests the discretion to issue infringement notices in some less significant serious dog attacks.⁴⁶³

The Australian Veterinary Association has suggested that an additional category of dog be introduced – the ‘potentially dangerous dog’.⁴⁶⁴ This would be imposed for lesser offences than the dangerous dog declaration. It would be imposed on:

Any dog that may reasonably be assumed to pose a threat to public safety as demonstrated by any of the following behaviours :

- (1) Causing an injury to a person or domestic animal that is less severe than a serious injury;
- (2) Without provocation, chasing or menacing a person or domestic animal in an aggressive manner;
- (3) Running at large and impounded or owners cited by the Animal Control Authority two (2) or more times within any 12-month period.
- (4) Acts in a highly aggressively manner within a fenced yard/enclosure and appears to a reasonable person able to jump over or escape.
- (5) Fails a temperament assessment test conducted by a person approved by the Authority
- (6) Exhibits unacceptable aggression without actually biting
- (7) Inflicts a single (not serious) bite wound in a situation where provocation of the dog has been established as a significant causal factor. (Australian Veterinary Association 2012, p.20)

Once a dog has been declared potentially dangerous, it would be subject to a variety of restrictions, including:

- The owner must be 18 years of age or older
- The owner must have a valid license for the potentially dangerous dog ... as required by the jurisdiction
- The dog must wear a collar identifying it as a potentially dangerous dog ... as prescribed by the Authority
- The dog must be kept in a proper enclosure to prevent the entry of any person or animal and the escape of the dog, to the standard prescribed by the Authority
- The owner must pay an annual fee in an amount to be determined by the Authority or his/her designee, in addition to regular dog licensing fees, to register the dog
- The dog must be spayed or neutered
- The dog must be implanted with a microchip
- The owner of a potentially dangerous dog shall enter the dog in a socialisation and/or behaviour program approved or offered by the jurisdiction

⁴⁶³ Knox City Council, *Submission 216*, 17 July 2015.

⁴⁶⁴ In developing its model, the Australian Veterinary Association drew on the model used in Multnomah County in Oregon, USA.

- When the dog is outside its home enclosure, it must be under effective control, muzzled, and restrained by a suitable lead not exceeding 1.3 metres in length
- The owner or carer must notify the relevant Authority immediately if the dog is on the loose, is unconfined, has attacked another domestic animal, or has attacked a human being
- The owner or carer must notify the relevant Authority within five (5) business days if the dog has died
- ...
- The owner or carer must notify the relevant Authority within twenty-four (24) hours if the potentially dangerous dog has been sold or has been given away. (Australian Veterinary Association 2012, pp.20-1)

Unlike dangerous dog declarations, which cannot be revoked, the potentially dangerous dog declaration could be revoked in certain circumstances. The Association suggests that the classification of the dog be reviewed if it has not exhibited any of the behaviours specified in the definition of potentially dangerous dog within three years of the declaration. If this is the case, and the dog has passed an approved temperament test and socialisation program, the declaration could be revoked (Australian Veterinary Association 2012, p.21).

The Lost Dogs Home supported this approach, stating:

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.⁴⁶⁵

The East Gippsland Shire Council argued for simply enabling dangerous dog declarations to be able to be revoked after 12 months if the dog has undertaken a course of obedience training, passed temperament training and no further aggressive behaviour is apparent.⁴⁶⁶

Following the recommendations of the New South Wales Companion Animal Taskforce, the New South Wales Government recently enacted legislation establishing a menacing dog provision, drawing on elements of the model legislation developed by the Australian Veterinary Association.⁴⁶⁷ The Government also partially accepted the Taskforce's recommendation that menacing dog declarations be revokable 'if behavioural training is undertaken for the dog in question and the council is satisfied that it is appropriate to do

⁴⁶⁵ Dr David Cunliffe, General Manager, Animal Welfare and Customer Service, Lost Dogs Home, *Public Hearing*, 17 November 2015.

⁴⁶⁶ East Gippsland Shire Council, *Submission 219*, 20 July 2015.

⁴⁶⁷ See the *Companion Animals Amendment Act 2013* (NSW).

so'.⁴⁶⁸ Menacing and dangerous dog declarations made by a council can be revoked after 12 months by a council, with consideration given to any behavioural training undertaken.⁴⁶⁹

Enforceable animal management plans

Both the Knox City Council and Mitchell Shire Council believe that customised animal management plans, entered into between the council and dog owner, may be a useful way of making dog owners more responsible. Such plans would delineate the owner's responsibilities for the dog's behaviour. These may be particularly useful with owners whose behaviour is careless or unthinking but not necessarily intentionally irresponsible, malicious or negligent. However, currently such agreements can only be voluntary. They are not enforceable and do not have penalties attached for non-observation.⁴⁷⁰

In this context, the Committee notes the use of Community Protection Notices in England. These set out particular conditions for dogs and owners following low-level incidents. Breaches of the conditions are criminal offences and can result in fines or forfeiture of property. These are discussed further in Section 7.8.1 of this report.

7.4.4 The Committee's view

The Committee accepts that a responsible pet ownership approach requires local councils to have a variety of tools to draw on in penalising irresponsible dog owners. Determining what these tools should be is beyond the scope of this Inquiry (with the exception of whether or not restrictions should be placed on certain breeds). However, the Committee believes that this matter warrants further thought and that the Government should consider expanding the variety of ways that councils can manage problematic dogs and their owners.

⁴⁶⁸ New South Wales Government, 'Government Response to Companion Animals Taskforce Recommendations' (2013), p.1.

⁴⁶⁹ *Companion Animals Act 1998* (NSW) s 39. Menacing and dangerous dog declarations can also be made and revoked by local courts (ss 44-46 of the Act).

⁴⁷⁰ This is different from a court order issued after prosecution whereby the court stipulates a particular course of action or conduct directed at the owner; for example ordering a dog to take part in obedience training. See *Domestic Animals Act 1994* s 84X.

RECOMMENDATION 12: That the Department of Economic Development, Jobs, Transport and Resources review the options available to local councils in managing irresponsible dog owners and recommend to the Government any appropriate changes to the *Domestic Animals Act 1994*. As part of the review, the Department should consider:

- (a) whether councils should have the capacity for larger fines and penalties including ownership bans
- (b) whether councils should have the power to issue fines in a wider range of circumstances
- (c) whether a category of ‘potentially dangerous dog’ that can be revoked if owners undertake certain actions should be introduced, including assessment of the suitability of the dog’s accommodation, training, supervision and socialisation
- (d) whether councils should have the power to penalise people for failing to comply with animal management plans
- (e) any other changes that may enable councils to more effectively combat irresponsible dog ownership, including mandatory training requirements for owners.

This review may be part of the broader review of the Domestic Animals Act recommended in Recommendation 1.

7.5 Information sharing

Identifying dangerous dogs and irresponsible owners *before* the dogs have attacked enables intervention (such as education or dangerous dog declarations) that may prevent the dogs from injuring anyone. This requires animal management officers to be informed about any ‘warning signs’ indicating that intervention may be beneficial.

The Calgary City Council put a large amount of effort into encouraging the public to report all incidents, including very minor ones, as part of the Calgary Model (see Section 7.8.2 of this report). The Council also established a facility for people to confidentially report concerns about dogs by telephone.⁴⁷¹ As part of this Inquiry, the RSPCA and the Australian Veterinary Association have argued for mandatory reporting of all dog bite incidents, including by hospitals and medical practitioners.⁴⁷²

In New South Wales, the Companion Animals Taskforce noted that a number of other agencies might also have information that could assist councils to identify problems. The Taskforce concluded that greater information sharing between agencies may assist with the early identification of problem dogs and problem owners:

⁴⁷¹ Mr Bill Bruce, former Director of Animal Services, City of Calgary (Canada), *Public Hearing*, 20 October 2015.

⁴⁷² The Royal Society for the Prevention of Cruelty to Animals (Victoria), *Submission 489*, 14 August 2015; Australian Veterinary Association Ltd (Victoria Division), *Submission 499*, 20 August 2015. See also Australian Veterinary Association 2012, pp.22-3, 39.

Interaction between local council, animal welfare enforcement agencies and State Government agencies is crucial to a holistic approach to companion animal management. This is particularly true in relation to the enforcement of dangerous and potentially dangerous dogs, where information sharing between relevant agencies can lead to more effective and timely enforcement outcomes.

Animal welfare agencies are often party to intelligence about instances of animal neglect, which may impact on the behaviour of animals and therefore may lead to an increased tendency for such animals to be involved in attacks... NSW Police can also play a key enforcement role in the investigation of dog attack incidents.

However, research also indicates that the prevalence of dangerous and potentially dangerous dogs is often linked to certain behavioural characteristics of owners. Therefore, “human services” agencies play a crucial information sharing role in relation to dangerous and potentially dangerous dogs. For example, Government agencies such as Housing NSW, Corrective Services and the NSW Department of Community Services may have information which may assist councils in identifying cases of non-compliance with the CA Act, including roaming dogs, unregistered animals, nuisance and dangerous dogs. (NSW Companion Animals Taskforce 2013, p.22)

The Taskforce recommended the development of a memorandum of understanding ‘to establish agreed information sharing protocols between relevant agencies’ (NSW Companion Animals Taskforce 2013, p.22). The Committee agrees that this may also be useful in Victoria and recommends similar work be undertaken here.

RECOMMENDATION 13: That the Department of Economic Development, Jobs, Transport and Resources work with local councils and other agencies that may have information about potentially dangerous dogs or irresponsible dog ownership to develop a memorandum of understanding about information sharing. The memorandum should establish protocols for sharing information and should detail what information should be shared. The memorandum should include local councils, Victoria Police, human services agencies, hospitals, medical practitioners, veterinary hospitals, practitioners and practices, and any other agencies that may have useful information that will help with the identification of dogs that may attack in the future.

Relatedly, the Committee notes that there would be benefits from local councils sharing information with other councils within Victoria and in other states. The Committee recommends the establishment of state-wide and national databases that will assist with sharing information about dogs in Chapter 8 of this report.

7.6 Temperament testing

Another approach which has been suggested for identifying potentially dangerous dogs is temperament testing. Temperament testing could help to identify problem dogs early and potentially take action before incidents occur. Temperament tests could be mandated or encouraged by reduced registration

fees for dogs that have passed temperament tests. If done well, temperament tests might also be important considerations in how best to manage a dog after it has attacked somebody.

The Australian Veterinary Association has advocated temperament testing as part of a system supporting responsible pet ownership. The Association argues that this could help not only with community safety but also with reducing the risk of dog attacks within households.⁴⁷³

However, the Association notes that temperament testing is not straightforward:

Temperament and behaviour tests have been used since the 1980s by those responsible for selecting working and assistance dogs, by pounds and shelters to assess suitability for rehoming, and by animal management authorities to determine potentially dangerous dogs. There are a number of tests available and in use in Australia, but there remains a critical need for a standardised and reliable test that can be applied on-site at shelters, pet shops, veterinary practices and training venues.

There is currently no formal approval or accreditation in place for either the tests or the testers, and this is a significant gap in the ability to respond effectively to dog bites.⁴⁷⁴

Animals lawyer Mr Brett Melke expressed similar concerns:

The last thing that is very commonly part of my practice is temperament assessments. They can be good and they can be bad. Of course scientifically they are probably of low predictive quality. That is what I hear from the top behaviourists: they are of fairly low predictive quality. They might well tell you what the general nature of the dog is, but in terms of telling you whether it is going to attack, again it is a matter of situational opportunity and interaction with the person who owns the dog or who is in control of the dog, so it is hard to predict...

With temperament assessments, different assessors do them different ways. With what we are getting, we are not comparing like with like. We are not assessing the dangerousness of the animals on the same basis. We have got some who will assess the dangerousness of a dog by basically taking one dog across the street from it and seeing if it reacts to that dog across the street, and others who will do all kinds of things and do it really well. They will bring up to the cage wall various dogs of different sorts, different breeds, different sexes, different demeanours and see what happens. But I think if we are going to be using temperament assessments, there needs to be a standardisation of that process. At the moment really it is very uneven and therefore unfair all the way around, and it does not inform a court or a tribunal particularly well.

That is the only thing I could say could be improved with VCAT – to have some kind of standardised temperament assessment.⁴⁷⁵

473 Australian Veterinary Association Ltd (Victoria Division), *Submission 499*, 20 August 2015; Australian Veterinary Association 2012, pp.15, 23.

474 Australian Veterinary Association Ltd (Victoria Division), *Submission 499*, 20 August 2015; Australian Veterinary Association 2012, p.23.

475 Mr Brett Melke, Principal Lawyer, Melke Legal, *Public Hearing*, 17 November 2015.

Similarly, dog trainer Mr Brad Griggs of Canine Services International told the Inquiry:

The evaluation of temperament is very interesting. We need to develop a contemporary awareness of temperament evaluation. It is much more of an art than a science. People need to be trained to apply that, and appropriately qualified and experienced people need to be sourced. Too often the people that are charged with this have very little experience in that regard.⁴⁷⁶

Noting these concerns, the Committee has recommended that standards be set up for temperament testing of Greyhounds (see Section 5.4.5 of this report). Following that work, the Government may wish to develop a process for accrediting temperament testers more generally and building this into any model of responsible pet ownership.

RECOMMENDATION 14: That the Department of Economic Development, Jobs, Transport and Resources develop a system to accredit agencies and individuals to conduct temperament tests on dogs to identify potentially dangerous dogs. Accreditation would provide prospective owners with assurance that the temperament testing undertaken by the agency or individual is of an appropriate standard.

7.7

Licensing of owners or mandatory education in responsible ownership?

Some evidence given to the Inquiry has recommended that people be required to undertake mandatory education in responsible dog ownership before they can own a dog and that dogs should receive some type of mandatory obedience training.⁴⁷⁷ Some witnesses have gone as far as stating that dog owners should themselves be ‘licensed’. Professor Coleman of the Animal Welfare Science Centre told the Inquiry:

I am of the view that pet owners, but particularly dog owners, although I think it also applies to horse owners actually, should be licensed. So it is not the dog that is licensed, it is the owner that is licensed, and I think to get that there should be some sort of, even if it is fairly rudimentary, hurdle to pay. We do it for drivers licences. We have no difficulty in having somebody go up to the desk, answer 20 questions and get their licence. Why not do that for companion animals?⁴⁷⁸

Similarly, it has been suggested that there be a register of ‘banned owners’ who would be prevented from owning or caring for a dog:

⁴⁷⁶ Mr Brad Griggs, owner and operator, Canine Services International, *Public Hearing*, 24 November 2015.

⁴⁷⁷ See for example, Mrs Jill McGrath-Berra, *Submission 111*, 8 July 2015.

⁴⁷⁸ Professor Grahame Coleman, Animal Welfare Science Centre, University of Melbourne, *Public Hearing*, 18 November 2015. Professor Coleman noted that this was his personal view and did not necessarily represent the Animal Welfare Science Centre.

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.⁴⁷⁹

In the United Kingdom a draft law was introduced into the House of Commons proposing that people must apply for a licence to own a pet, though the legislation was never enacted. The RSPCA in Victoria endorsed such a proposition and argued that similar legislation should be introduced into Victoria (see Duckworth, 2009 p.303).

A licencing requirement was introduced in Spain, but only for people owning restricted-breed or declared dangerous dogs. To qualify for a licence, a person must:

- be an adult
- not have been convicted of certain crimes
- be sufficiently physically fit to care for and control the dog
- not have certain psychological disorders or deficiencies
- have liability insurance of at least €120,000.

Licences must be renewed every five years.⁴⁸⁰

To a certain extent, there are similar provisions in Victoria. Under sections 84WA and 84XA of the Domestic Animals Act, a Magistrates' Court may prohibit a person from keeping, controlling or owning a dog for up to ten years when they have been found guilty of certain offences under the Act. In practice, this is the same effect as would taking away a person's licence.

The Committee considers that these powers, combined with education campaigns and an effective suite of measures to combat irresponsible owners, are a more practical option than owner licensing. Incentives such as reduced registration fees may also be an effective way of encouraging owners to undertake training for themselves and their dogs.

7.8 Strategies in other jurisdictions

This section discusses two jurisdictions that have developed responsible pet ownership approaches. England has combined this approach with breed-specific legislation. The City of Calgary in Canada has relied exclusively on a 'deed not breed' approach.

479 Ms Marilyn Adams, Chair, Canine Welfare Committee, DOGS Victoria, *Public Hearing*, 10 November 2015. See also Ms Glenys Oogjes, Executive Director, Animals Australia, *Public Hearing*, 18 November 2015.

480 Real Decreto 287/2002 (Spain). *Boletín Oficial del Estado*, 27 March 2002, No. 74, pp.12290-2.

7.8.1 England

Across England (and Wales), there are a number of statutory and non-statutory interventions used to promote and enforce responsible dog ownership and reduce dog attacks. Many of these are developed and implemented at local government level.⁴⁸¹

The *Anti-Social Behaviour, Crime and Policing Act 2014* enables police and local government officers to deal with dangerous and nuisance dogs in a relatively flexible way, with ‘an increased emphasis on local responses suited to individual problems’ (Department for Environment, Food and Rural Affairs 2014, p.3). This Act has also extended offences pertaining to dangerous dogs to *all* places, including private property where that dog has a right to be.⁴⁸²

These provisions are accompanied by breed-specific legislation that bans dogs of certain breeds (including Pit Bulls) unless they have been exempted by a court.⁴⁸³

Statutory measures

The key statutory intervention in England for addressing irresponsible dog ownership and any resulting incidents is the use of ‘Community Protection Notices’ (CPNs). These are used for low-level incidents involving dogs, such as an owner failing to control a dog and thereby causing nuisance to other people or animals. They can be issued by police or local government officers to any individuals aged 16 years or over.⁴⁸⁴

The test for issuing a CPN is that the dog’s behaviour has to be:

- having a detrimental effect on the quality of life of those in the locality
- persistent or continuing in nature
- unreasonable.⁴⁸⁵

Before the CPN can be issued, however, a person has to be given the opportunity to rectify the behaviour. This is usually done through a written warning giving reasonable time for the behaviour to stop. Usually the person will be given information about or referrals to dog training, veterinary or behavioural professionals.

⁴⁸¹ Local government authorities are generally much larger in the United Kingdom than Victoria and have a greater set of powers, including health, education and law and order policies.

⁴⁸² Previously, in most cases, owners could not be held responsible for the actions of dogs within the boundaries of the owner’s property.

⁴⁸³ United Kingdom Government, ‘Controlling Your Dog in Public’ <www.gov.uk/control-dog-public/banned-dogs>, accessed 5 February 2016.

⁴⁸⁴ Where the person in control of the dog is under 16 years of age, non-statutory measures may be considered or the parent/guardian may be issued with the CPN.

⁴⁸⁵ *Anti-Social Behaviour, Crime and Policing Act 2014* s 43.

If the CPN is issued, it can require the individual to do a number of specified things or prohibit the individual from doing specified things.⁴⁸⁶ This may include requirements to microchip, de-sex, muzzle or maintain the dog on a lead at all times. The CPN may require the owner put up appropriate signage or fix fences on their property. It could also include an order for the owner to attend training or obedience classes with their dog or have the dog attend a behavioural therapist (at the owner's expense). An order may also prohibit a person from exercising their dog at certain times or in certain places. The rationale for the use of CPNs is:

The quick intervention process allows early engagement with individuals. It improves their understanding of responsible dog ownership and the training and welfare requirements of their dog, thereby improving the behaviour of both the owner and the dog. (Department for Environment, Food and Rural Affairs 2014, p.14)⁴⁸⁷

One of the key features of CPNs is the use of partnerships in their application. Under the Act, an authority who wishes to issue a CPN must inform any other individual or body that they think appropriate before issuing the notice. This may include landlords, housing providers, police, local vets, animal welfare organisations, social services and health and youth services.

Breaches of CPNs are considered criminal offences and can result in fines or forfeiture of property, including the dog in question. CPNs can, however, be appealed on the grounds that the requirements in them are unreasonable or the alleged behaviour did not occur.

Other statutory interventions are also available, including:

- Public Spaces Protection Order, which is similar to a CPN but only applies to public spaces. The order may include exclusion notices for the dog in question, a requirement for the dog to be on a lead or otherwise restrained or restricting the number of dogs walked by an individual.
- Criminal Behaviour Orders, which are used for the most serious or persistent offences (for example, where dogs have been used for intimidation, trained to attack, trained to be aggressive or used for other criminal activities). These may include restrictions on where, when and under what circumstances a dog is exercised. They may also prohibit a dog from being in the possession of a person under a specified age or prohibit the owner from meeting named individuals with the dog. (Department for Environment, Food and Rural Affairs 2014, p.35)

Non-statutory measures

The British system also makes use of educative programs alongside the statutory measures:

⁴⁸⁶ For examples of where CPNs have been used, see Department for Environment, Food and Rural Affairs 2014. CPNs are commonly used to protect postal workers from being harassed or threatened by dogs during the course of their work.

⁴⁸⁷ Dog incidents that meet a higher threshold (for example, serious dog attacks) are generally dealt with by prosecuting more serious offences under other legislation.

... a proactive approach to addressing dog-related incidents can lead to considerable benefits: reduced costs for local authorities in handling of stray dogs, police, councils and housing associations in investigating nuisance reports, the NHS [National Health Service] in treating dog bites, and the court system in processing prosecutions for the most serious offences. A proactive approach is also good for dogs and owners, encouraging a better relationship and a happier life for both. (Department for Environment, Food and Rural Affairs 2014, p.7)

Following guidelines and practice notes issued through the Department for Environment, Food and Rural Affairs, many local government authorities and police forces in England and Wales have developed specific projects aimed at increasing residents' understanding of responsible dog ownership:

These can include providing information to local dog owners, outreach work in schools educating children and teenagers about appropriate behaviour around dogs and offering free services, such as microchipping and neutering, to dog owners. (Department for Environment, Food and Rural Affairs 2014, p.7)

The British model encourages councils to link up with local veterinarians, animal welfare organisations and other groups to educate dog owners or local government officers.⁴⁸⁸

The Department for Environment, Food and Rural Affairs also encourages early intervention to deal with problems before having to resort to statutory interventions. Discussions with the owners are viewed as imperative:

Incidents concerning dogs can occur for a wide range of reasons and dog behaviour can be a complex area, and it may be the first incident involving the dog. Therefore, discussing the situation with the owner at an early stage and understanding the full background to the incident can be extremely helpful in identifying the most appropriate course of action. Local officers knowing the details of a case will be best placed to decide if non-statutory measures should be used. (Department for Environment, Food and Rural Affairs 2014, p.8)

One way in which local authorities and police have used non-statutory measures to address anti-social behaviour by dogs before it becomes a major problem is through the use of 'Acceptable Behaviour Contracts' (ABCs). These are informal and voluntary measures used before more formal interventions become necessary:

An ABC is a non-legally binding, non-statutory agreement, allowing authorities to engage with an individual about their inappropriate behaviour by speaking to them and offering appropriate advice, as well as providing insight into the consequences of the individual's actions. The ABC can also require a number of conditions of the individual. Although breach is not an offence in itself, you can use any breach as evidence for further legal action under other legislation.

⁴⁸⁸ Examples of a number of best-practice English and Welsh educational interventions developed by local authorities are found in Annex C of the Practitioners Manual (Department for Environment, Food and Rural Affairs 2014).

Some agencies have developed local initiatives to increase and improve responsible dog ownership in their area. These include ABCs, or their equivalent, as a part of the tools at their disposal. ABCs can be used in instances where the behaviour could escalate into more serious incidents but does not currently meet any statutory thresholds for formal powers. They can also be used where an officer does not believe a statutory notice is appropriate, for instance where the owner/keeper of the dog is engaging with the appropriate authority. (Department for Environment, Food and Rural Affairs 2014, pp.9-10)

7.8.2 The Calgary Model

The City of Calgary is a mainly urban municipality of approximately 1.2 million people in Canada. The animal management system implemented there (referred to as the ‘Calgary Model’), was identified as better practice by many submitters and witnesses to this Inquiry.⁴⁸⁹ It has also been highly praised in other jurisdictions.⁴⁹⁰

The City of Calgary enacted the *Responsible Pet Ownership Bylaw* in 2006.⁴⁹¹ Mr Bill Bruce, who was the Director of Animal Services in 2006, has explained that, ‘It’s not about controlling pets, it’s about holding people responsible for their pets’.⁴⁹² He further explained to the Committee:

North America, and I am sure you are not much different, does not have problems with an overpopulation of pets, nuisance, stray or vicious animals. Our problem is actually with responsible pet ownership. Every animal we have that ends up in trouble with the law or in a shelter is there because somewhere a human relationship failed and the dog was not under the proper control of the owner.⁴⁹³

The Bylaw does not ban any breeds. Rather, it focuses on public awareness, education and strong enforcement for people who do not responsibly look after their pets. The Bylaw enumerates five principles that enable ‘cats, dogs, their owners and neighbours to live together in safety and harmony’:

- License and provide permanent identification for pets.
- Spay or neuter pets.
- Provide training, physical care, socialization and medical attention for companion pets.

⁴⁸⁹ In terms of submissions, see (for example): DOGS Victoria, *Submission 131*, 9 July 2015; Project P.A.W.S. Incorporated, *Submission 167*, 10 July 2015; Ms Melanie Isaacs, *Submission 176*, 10 July 2015; Canine Welfare Alliance of Australia, *Submission 217*, 17 July 2015; The Royal Society for the Prevention of Cruelty to Animals (Victoria), *Submission 489*, 14 August 2015; Australian Veterinary Association Ltd (Victoria Division), *Submission 499*, 20 August 2015.

In terms of public hearings, see (among others): Ms Mhairi Roberts, Animal Welfare Policy Manager, Royal Society for the Prevention of Cruelty to Animals Victoria, *Public Hearing*, 10 November 2015; Ms Terri MacDonald, Member, DOGS Victoria, *Public Hearing*, 10 November 2015; Mr Brett Melke, Principal Lawyer, Melke Legal, *Public Hearing*, 17 November 2015.

⁴⁹⁰ See, for example, American Society for the Prevention of Cruelty to Animals 2007; National Canine Research Council 2013.

⁴⁹¹ Bylaw Number 23M2006 – *Responsible Pet Ownership Bylaw* (City of Calgary).

⁴⁹² Mr Bill Bruce, former Director of Animal Services, Calgary, cited in Stop Canine Profiling, ‘The Calgary Model’ <www.stopk9profiling.com/calgary.php>, accessed 7 March 2016.

⁴⁹³ Mr Bill Bruce, former Director of Animal Services, City of Calgary (Canada), *Public Hearing*, 20 October 2015.

- Do not allow pets to become a threat or nuisance in the community.
- Procure your pet ethically and from a credible source.⁴⁹⁴

Mr Ryan Jestin, the current Director of Animals and By-law Services for the City of Calgary, gave an overview of the model to the Committee. He stated that the strength of the model was not so much in its individual features but in its overall comprehensive model of dog control based on 'carrots and sticks' or rewards and punishments:

We did a significant review of our responsible pet ownership by-law back in 2006, and what that did was effectively it shifted the onus for animal services and animal licencing to the pet owner. Hence why it is called the responsible pet ownership by-law is because although there is evidence to support – in the places we have looked at – restricting dog breeds and the like, in general terms we found that the socialisation of animals, the licensing of animals and the treatment of animals are at the very base of creating a by-law and using a by-law that creates a great environment, not just for the city of Calgary but for Calgarians and for pet owners.

In very simple terms we demand that every animal that is greater than three months of age is licensed. Typically every animal we get into our system in terms of catching them at large or whatever, we spay and neuter them before they are adopted or licensed when returned to owner, not sprayed or neutered. That is not necessarily the case if it is just a drive home.

We restrict animals from roaming at large anywhere in Calgary, although we do have off-leash parks in a number of areas in Calgary which again helps with the socialisation and I think to a certain degree with the aggressiveness of some animals by being socialised in a pretty open setting. We are aiming for 100 per cent licensing for animals, and we do license both dogs and cats...

We do have a separate provision underneath our responsible pet ownership that talks about threats and nuisances in our community, and again this has been a tool that I have managed to use and my team manages to use in identifying animals that tend to come back to us frequently. In other words, we catch them at large, or we catch them being aggressive to other dogs, not necessarily to the point of causing death or serious injury. But, nonetheless, we can designate them as a nuisance, and therefore there would be a higher licensing fee for them to be kept as pets.

The final thing is that really the only way to get a pet in Calgary is through a reliable kennel. We have been very successful, not just here in Calgary but in the province of Alberta at large, in ensuring that kennels are operating ethically and that we do not see too much evidence anyway of puppy mills.⁴⁹⁵

One aspect of the program that has been viewed as a strength is that many components have been financed through licensing (registration) fees rather than tax income. Such fees are exclusively used for the administration of the model rather than going into consolidated funds.⁴⁹⁶

⁴⁹⁴ City of Calgary, 'The Responsible Pet Ownership Bylaw' <www.calgary.ca/CS/ABS/Pages/Animal-Services/Responsible-pet-ownership-bylaw.aspx>, accessed 8 February 2016.

⁴⁹⁵ Mr Ryan Jestin, Director, Animals and By-law Services, City of Calgary (Canada), *Public Hearing*, 18 November 2015.

⁴⁹⁶ Mr Bill Bruce, former Director of Animal Services, City of Calgary (Canada), *Public Hearing*, 20 October 2015.

Licensing and registration

Under the Bylaw, at three months of age all dogs residing in the City of Calgary must be licensed (the equivalent to registration in Victoria) and identifiable (preferably through microchipping). In an effort to encourage licensing, the Council has provided a number of ways in which pet licenses can be purchased (in person, online, at banks, at post offices, through the mail and from council bylaws officers). The Council pursues people who do not renew their licenses and people failing to renew risk a fine of up to \$250.⁴⁹⁷

Higher registration fees apply to dogs who have been declared nuisance or vicious dogs (see below).⁴⁹⁸

From the Council's perspective, licensing fees provide an important source of funds for animal management activities. From the dog owner's perspective, the Council emphasises the licensing fee as a dog's 'ticket home', as licensed dogs that are found at large are driven home by council staff (see Section 7.2.4 of this chapter). A review of the Calgary Model noted:

A significant reason for Calgary's success has been focused on a marketing strategy, which very clearly articulates the advantage of licensing pets. In particular, for those pets that are lost, a licence is a "ticket home". In many cases, lost pets do not enter animal shelters as mobile enforcement officers are able to scan licensing information for each pet and drive them directly home. In the majority of cases animals do not enter the shelter system.⁴⁹⁹

As a result of this approach, the Council estimated that 81 per cent of dogs in Calgary were licensed in 2015.⁵⁰⁰

Education and training

At least initially, education was a key part of the Calgary Model, and the Animal Services Department developed programs tailored for several groups. Three professional teachers were hired to conduct no-cost educational programs in Calgary's primary and secondary schools. Education programs for adults, particularly owners, were developed concentrating on their role as responsible pet owners, how to comply with the Bylaw and how this will benefit their dogs.

One of the strengths of the Calgary Model, according to Dr David Cunliffe of the RSPCA, is that it prioritises education over more punitive approaches. He told the Committee:

We believe that one of the keys to its [the Calgary Model's] success, aside from proper funding from registration, is an education program in kindergartens and schools that was very systematically applied. Further, the current legislation [in Victoria] leaves councils very much in the enforcement role. I guess because they are in contact

⁴⁹⁷ Bylaw Number 23M2006 – *Responsible Pet Ownership Bylaw* (City of Calgary), Schedule D.

⁴⁹⁸ Bylaw Number 23M2006 – *Responsible Pet Ownership Bylaw* (City of Calgary), Schedule A.

⁴⁹⁹ See Toronto Auditor General's Office 2010, p.10.

⁵⁰⁰ Mr Ryan Jestin, document tabled in *Public Hearing*, 18 November 2015.

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.⁵⁰¹

However, the Committee was also informed that the emphasis in Calgary had changed since 2012. As part of that change, the Committee was told that education programs had been cancelled and the education officer positions were no longer supported.⁵⁰²

Services and programs

In addition to education programs, the Council has developed a number of other programs aimed at facilitating responsible dog ownership and well cared-for dogs. These include:

- reuniting lost dogs and cats with their owners, including the drive-home program for licensed pets
- programs to help neighbours resolve dog-related incidents and disputes
- funding to veterinary clinics to enable them to give emergency care to injured animals
- a free de-sexing program for dogs and cats of low-income residents
- a program to help socialise dogs and other animals awaiting adoption in the animal service centres.⁵⁰³

Procurement

Calgary's Animal Services Department also encourages a 'commitment for life' to dog ownership. Dog owners are encouraged to research their dog's physical and psychological needs and what to expect in terms of food, care, training, socialisation and medical costs. For people considering becoming dog owners, education classes run by the Department encourage prospective owners to do research on the ethical standards of adoption agencies and commercial pet shops. Former Animal Services Director Mr Bill Bruce states in this regard:

This is where we ask you to first say: is this the right time to bring a companion animal into your home? Do you have the time? Are you ready for a 10 to 20-year commitment? Have you talked to a veterinarian about what the costs might be

⁵⁰¹ Dr David Cunliffe, General Manager, Animal Welfare and Customer Service, Lost Dogs Home, *Public Hearing*, 17 November 2015.

⁵⁰² Mr Brad Griggs, owner and operator, Canine Services International, *Public Hearing*, 24 November 2015.

⁵⁰³ City of Calgary, 'Licensing a Cat or Dog' <www.calgary.ca/CS/ABS/Pages/Animal-Services/Licensing-cat-dog.aspx>, accessed 7 February 2016.

annually to maintain this animal? What about feeding? What about training? Can you afford it? Do you have the time? Is it the right time? Is that the right animal? Then source from only credible rescues or ethical breeders.⁵⁰⁴

This approach to procurement has been applauded by a number of witnesses who gave evidence to the Inquiry. For example, representatives from DOGS Victoria stated:

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...

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.⁵⁰⁵

Fines and punishments

As indicated above, whilst education is viewed as the key approach for decreasing the number of dog-related incidents, the Council does have a strict fine structure aimed at pet owners who do not 'do the right thing'. For example, the Council has a zero-tolerance approach to licencing, with fines of up to \$250 for owners who do not license their dogs.

There is also a penalty up to \$200 for dog 'chase incidents' and \$350 for one-off dog bites. Dog owners who let their dogs roam at large are fined \$100 for the first incident. Owners who allow their dogs to defecate in public places are fined \$250 per incident. Fines increase for multiple incidences and are higher in some cases for nuisance or vicious dogs.⁵⁰⁶

504 Mr Bill Bruce, former Director of Animal Services, City of Calgary (Canada), *Public Hearing*, 20 October 2015.

505 Ms Terri MacDonald, Member, DOGS Victoria, *Public Hearing*, 10 November 2015.

506 Bylaw Number 23M2006 – *Responsible Pet Ownership Bylaw* (City of Calgary) ss 50-1, Schedules D & E.

The underlying premise of Calgary’s violation, fine and sanction structure is that dog ownership should be ‘more costly to irresponsible individuals’. ‘Bad’ owners of dogs must be held accountable for their violations, heavily fined and the sanctions that allow punishment of irresponsible dog ownership rigorously enforced. As Mr Bruce told the Inquiry:

Enforcement is the final step if everything else has failed; it is the consequences. We know human behaviour does not change without consequences. Consequences can be negative or positive, so we have gone through the positive ones of having the right to have the type of dog, or however many you want, if you are in compliance with all the rules, but there are other consequences if you do not want to. But they need to be effective, and there needs to be a strong perception that you will be caught, that you will not get away with it.

The deterrent cost of non-compliance has to far exceed the cost of compliance. So Washington, DC, for example, had a \$25 ticket for not having your dog licensed. The licence was \$30, so people would take a chance that they will not get caught because the odds of getting caught were low. If they went three or four years, they were ahead of the game. I always like to go with 10 times – so if a licence is \$30, non-compliance is \$300 – to make it effective.⁵⁰⁷

Vicious and nuisance dogs

As stated above, the ethos of the Calgary City Council with regard to dangerous animals is that dog attacks are not the result of dangerous breeds but usually occur because of irresponsible, careless, negligent or even malicious dog owners.

The Council also recognises that there are certain dogs which need to have particular restrictions placed on them. In Calgary, dogs can be declared a ‘nuisance’ or ‘vicious’.

In relation to a nuisance order, Mr Bruce explained:

... that is something I, as the director, would issue, and I can put it on for a year, which I can extend indefinitely. I can put conditions of confinement on it. I put requirements to receive training from a qualified trainer and then reassess the animal in a year, and I can remove that designation once the animal has been clean for a year with no violations and no complaints.⁵⁰⁸

In more extreme cases, council officers can seize and impound a dog. The Council can then seek to have it declared ‘vicious’ by the court. If a dog is declared vicious, the Council places a number of stipulations on the owner. These include:

- identifying the dog through microchipping
- de-sexing the dog
- requiring the dog to be muzzled, leashed and under the control of an adult when in public

⁵⁰⁷ Mr Bill Bruce, former Director of Animal Services, City of Calgary (Canada), *Public Hearing*, 20 October 2015.

⁵⁰⁸ Mr Bill Bruce, former Director of Animal Services, City of Calgary (Canada), *Public Hearing*, 20 October 2015.

- ensuring the dog is in a secure enclosure when outdoors on the owner’s property
- placing warning signs on all entrances to the owner’s property.⁵⁰⁹

In cases where there have been repeated incidences of vicious behaviour or where the Director of Animal Services believes the dog is irredeemably vicious and is a threat to people or other animals, the Director may apply for a court order for euthanasing the animal. Euthanasia is ordinarily viewed as the option of last resort.

Partnerships

One key aspect of Calgary’s approach is that it administers and promotes the program in conjunction with a number of partners from government agencies, community organisations, private enterprises and the media. Mr Bruce told the Inquiry in this respect that:

A good system in a community has partners. There are really three groups heavily involved in your community with animals. There is the regulatory – that is, government. They set the rules; they enforce the rules. There is the humane, whether it be private rescues, an SPCA or the city shelter, whatever that is. That is the humane side. Medical/service providers – veterinarians, medical associations, breeders, trainers, behaviourists, stores that sell pet supplies. They are all partners in the management of that animal in the community. You want to engage them, because they all have a piece of it. A critical thing we found is that the pet owners themselves are getting information from three different sources, and they are given the same information consistently about responsible pet ownership – about the importance of licensing, spaying/neutering, proper [inaudible]. All those things are getting consistent messaging right through.⁵¹⁰

Results of the Calgary Model

As noted at the beginning of this section, a large number of participants in this Inquiry praised the Calgary Model as a better-practice approach to animal management. Many believed that it should be used as a model for Victoria.

Underpinning this was a belief that the Calgary Model had been particularly effective at reducing dog attacks. For example, the RSPCA told the Committee that:

The Calgary Model is as an example of breed neutral legislation that has been shown to reduce problem dog behaviour including bites and attacks. The Calgary Model has achieved an unparalleled level of compliance with its bylaw, through education that clarifies the responsibility of all pet owners, programs that facilitate owner compliance, consultation with pet owners and rigorous enforcement against

⁵⁰⁹ City of Calgary Bylaw Number 23M2006 – *Responsible Pet Ownership Bylaw* (City of Calgary) ss 31-6.

⁵¹⁰ Mr Bill Bruce, former Director of Animal Services, City of Calgary (Canada), *Public Hearing*, 20 October 2015.

violators (National Canine Research Council 2013). A model similar to this could be implemented in Victoria as an alternative to the current BSL legislation which the RSPCA considers should be repealed.⁵¹¹

A number of people praised the Calgary Model based on the number of reported dog attacks in Calgary. Project P.A.W.S. is typical of this, stating that:

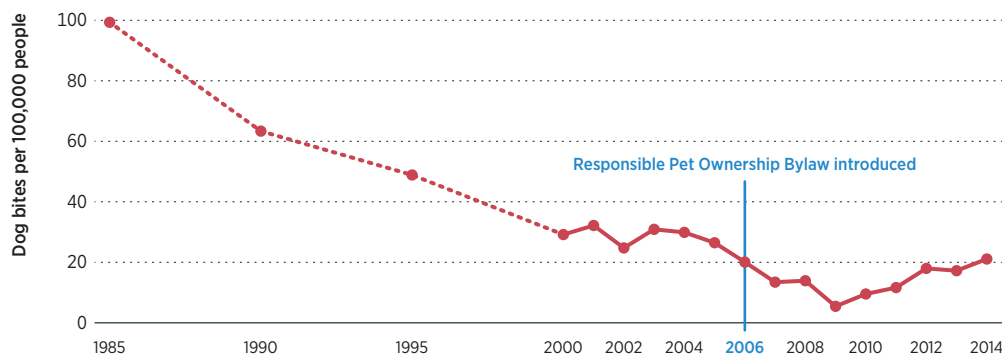
Where jurisdictions have put in place a guardianship model, such as Calgary, the number of dog bites has dropped and the outcome for dogs and their human families has been positive.⁵¹²

The Barristers Animal Welfare Panel similarly noted that:

... dog incidents declined to a mere fraction of what they were in 1991. During this time Calgary’s population almost doubled from 600,000 to over 1.1 million. Importantly, American Pit Bull Terrier ownership, not surprisingly, doubled. These figures are powerful testimony as to the merits of such a program.⁵¹³

However, the Committee notes that the Calgary Model has not been subject to any formal, independent evaluation.⁵¹⁴ Figure 7.1 shows the number of serious dog attacks in Calgary in recent decades.

Figure 7.1 Aggressive dog incidents per capita, City of Calgary



Source: Calgary City Council.

While there was a large drop in dog attacks in the 1990s and early 2000s, the Committee notes that, since the introduction of the Responsible Pet Ownership Bylaw in 2006, the rate of dog attacks is less straight-forward. Whilst the decreasing trend seen before the introduction of the Bylaw continued for the first years, the rate of dog incidents has steadily increased since 2009.

⁵¹¹ The Royal Society for the Prevention of Cruelty to Animals (Victoria), *Submission 489*, 14 August 2015.

⁵¹² Project P.A.W.S. Incorporated, *Submission 167*, 10 July 2015.

⁵¹³ Barristers Animal Welfare Panel, *Submission 502*, 9 December 2015. Bruce et al. (2015, p.6) also note that the rate of dog attacks in Calgary is lower than Victoria. However, it is not clear that the rates in the different jurisdictions are measured in the same way, making comparisons problematic. For such a comparison to be meaningful, it would also be necessary to adjust for any differences in the rate of dog ownership.

⁵¹⁴ Mr Ryan Jestin, the Director of Animals and By-law Services for the City of Calgary, told the Inquiry that the Calgary Model is subject to an occasional review with the object of improving the model to address needs and changing circumstances. The next scheduled review will take place in 2016. These reviews, however, are conducted ‘in house’ and are not external evaluations. See Mr Ryan Jestin, Director, Animals and By-law Services, City of Calgary (Canada), *Public Hearing*, 18 November 2015.

Some have attributed this to changes to the model introduced after Mr Bruce left the position of Director of Animal Services in 2012,⁵¹⁵ but the Committee notes that the increase can be seen from 2009. Mr Bruce indicated that it may be due to more thorough reporting of incidents,⁵¹⁶ but it is difficult to know whether or not this is the case without an independent measure of incidents.

The Committee notes that the most significant reduction to the rate of dog injury in Calgary occurred prior to the introduction of Responsible Pet Ownership Bylaw. Ms Ronna Balderson of the City of Calgary attributed this to many of the aspects of the Calgary Model being in place prior to the Bylaw.⁵¹⁷

Further analysis would be required to determine if the reduction in attacks can be correlated with particular aspects of the Calgary Model being introduced before 2006.

Although the Calgary Model has been highly praised by many individuals and organisations, the Committee finds a lack of clear evidence as to its effectiveness. This also applies more generally to responsible pet ownership approaches. While these seem to be sensible from a theoretical perspective, the Committee is not aware of rigorous empirical studies clearly indicating that they have effectively reduced the rate of injuries from dog attacks. Most of the systems discussed in Section 4.5 of this report included components of responsible pet ownership as well as breed-specific legislation. Thus, the mixed findings as to whether or not these systems have been effective apply as much to the responsible pet ownership approach as to breed-specific legislation.

Professor Grahame Coleman of the University of Melbourne noted, in relation to the Calgary Model:

... although it is not really based much on science, nevertheless [it] appears to have been reasonably effective. The evaluation was done in house, so it is a little bit uncertain about the value of that, and also the outcomes tended to be dog bites rather than looking at the broader range of outcomes that are probably relevant. Nevertheless, it is indicative that education can be a useful way to go.⁵¹⁸

The Brimbank City Council indicated that it:

... would welcome an independent expert review of the Calgary model and its applicability in Victoria, before changes to the existing legislative and regulatory framework relating to restricted breed dogs.⁵¹⁹

The Committee believes that encouraging responsible pet ownership should be an important part of any strategy to reduce dog attacks. However, the lack of an independent formal evaluation of the Calgary Model means that caution should

515 Mr Brad Griggs, owner and operator, Canine Services International, *Public Hearing*, 24 November 2015; Bruce et al. pp.15-16.

516 Mr Bill Bruce, correspondence to the Committee, received 11 November 2015.

517 Ms Ronna Balderson, correspondence to the Committee, received 30 January 2016.

518 Professor Grahame Coleman, Animal Welfare Science Centre, University of Melbourne, *Public Hearing*, 18 November 2015.

519 Brimbank City Council, *Submission 214*, 15 July 2015.

be shown as to whether or not that model is the best way to encourage responsible pet ownership. The Committee believes that such an evaluation would be helpful from the perspective of developing evidence-based policy in the future and encourages academics working in this area to conduct further work in relation to the effectiveness of the Calgary Model.

Calgary and Victoria

A number of other factors mean that policies that work in Calgary may not work in Victoria. Calgary is a single jurisdiction covering a largely urban population. Applying the same practices across Victoria's 79 local councils (which vary in size, resources and degree of urbanisation) may be neither practicable nor desirable.

Mr Bruce indicated that the Calgary Model is not something that should simply be replicated in Victoria:

... the Calgary model, as you say, is not plug and play. It is a process. If you follow the process, you end up with the Victoria model, which is what you want because you will have some different issues. Every jurisdiction will have its own issues, its own resources both in-house and within the community, so you have to do your analysis and then build your program based on that and then you will end up with a model that works for your community.⁵²⁰

The Committee notes that many of the aspects of the Calgary Model are already in place in Victoria, at least in some form, though there are differences from one municipality to another. The Committee has recommended earlier in this chapter that the Government consider some of the specific aspects from the Calgary Model, such as return-home policies, higher fines and a 'potentially dangerous dog' category that can be revoked if owners take appropriate action. A key aspect of the Calgary Model, though, is the primary emphasis on responsible pet ownership. The Committee considers that there is scope for adopting this approach more comprehensively in Victoria. This is discussed further in Chapter 9 of this report.

7.9 Conclusion

The responsible pet ownership approach seeks to put the onus on dog owners to look after their dogs properly and ensure that they do not become aggressive.

Registration has been identified as an important step towards encouraging responsible pet ownership. It establishes a relationship between the dog owner and the council which can be used to provide information and incentives. The Committee has therefore made some recommendations that may assist with getting more dogs registered, including providing microchip data to councils and return-home policies for dogs that stray. The Committee has also suggested that the Government watch the incentive scheme in Ipswich to see if anything could be learnt from that.

⁵²⁰ Mr Bill Bruce, former Director of Animal Services, City of Calgary (Canada), *Public Hearing*, 20 October 2015.

This chapter also explores a number of other suggestions for increasing responsible pet ownership, including mandatory de-sexing, greater and more flexible powers for local councils, information sharing between agencies and standardised temperament testing. The Committee believes that all of these approaches are worth further consideration by the Government.

While responsible pet ownership approaches have been adopted in various jurisdictions around the world, the Committee focused on two for the purposes of this report – England and Calgary. Calgary was particularly noteworthy, as it was recommended by many submitters to this Inquiry as best-practice. The Committee notes that the effectiveness of the Calgary Model is uncertain, as it has not been formally evaluated. However, the Committee considers that there is much value in the model and a number of elements from it have been incorporated into the Committee’s recommendations.

8 Data collection, reporting and research

8.1 Introduction

As discussed in Chapter 2 of this report, data about dog attacks are important for developing evidence-based policy and for evaluating its effectiveness. As also noted in that chapter, though, there are a number of limitations to the data available in Victoria. These limitations make drawing conclusions about the effectiveness of policy particularly difficult. The Committee considers that increasing the amount of data collected, reported and disseminated about dog attacks would reduce some of the problems associated with Victorian data and assist with the development and evaluation of policy in the future.

This chapter identifies the areas where data collection and reporting could be improved. Various limitations with data sources mean that no one source can provide a complete picture of dog attacks. The Committee therefore advocates the capture of information from three different sources (hospitals, local councils and surveys of the general public). Each of these sources provides a part of the picture. Together, these sources can provide a better understanding than relying on any one source.

The chapter particularly examines data collection and reporting by local councils. The Committee finds that there are varying practices between councils and that there is particular scope for improvement in some cases.

The chapter also looks at the potential benefits of centralised databases at state and national levels.

As part of the Inquiry, the Committee heard that additional research into the causes of dog attacks would be valuable. The Committee notes the unclear or contradictory findings of much research in this area (see Chapters 2 and 4 of this report) and agrees that further research may help to reduce injuries from dog attacks in the future. The Committee considers that improved data collection would be an important step towards new and clearer insights into dog attacks in future research.

8.2 Data collection

There are generally four sources of data for dog attacks:

- data collected by hospitals (including emergency departments) when treating patients
- incidents reported to local councils

- surveys of patients who come to hospitals
- surveys of the general population.

As detailed below, each of these sources has limitations and no source is comprehensive. Each source only reflects part of the full picture of dog attacks. Relying on any one source may therefore provide a distorted picture of dog attacks. It is therefore important that data are collected from multiple sources to reduce the distorting effect of any particular source.

Going forward, the Committee would like to see the Government using a variety of indicators from these different sources to evaluate the effectiveness of policy in this area.

8.2.1 Data from hospitals

As discussed in Chapter 2 of this report, hospitals currently provide the richest source of evidence about dog attacks in Victoria. Information about the victims, the nature of injuries and the circumstances of injuries are recorded as a matter of standard practice in hospitals. Data about admitted patients are recorded from all Victorian hospitals in the Victorian Admitted Episodes Dataset. Data from most (though not all) presentations at emergency departments are recorded in the Victorian Emergency Minimum Dataset.

These datasets are very useful but there are a number of limitations. Most importantly, they only capture dog attacks resulting in serious injuries. Injuries treated by general practitioners, injuries treated at home and dog attacks not resulting in injuries are not captured in these datasets. The more serious injuries captured in hospital data are arguably a key target for government policy and may be the most significant indicator of the effectiveness of government programs. However, they represent only a small portion of dog attacks and do not present the entire picture.⁵²¹

The hospital data also do not capture all of the information that would be desired for understanding dog attacks. For example, information such as the nature of the relationship with the dog, what the victim was doing at the time and the breed of the dog are only recorded in a small proportion of cases. Even when such details are recorded, the data are not independently verified and it would not be practical to expect hospitals to do such verification. As a result, these details may not be accurate.

⁵²¹ Some international studies also suggest that hospital data might be skewed away from family pets, as people are more likely to seek medical treatment for dogs at large and dogs they do not own (Beck & Jones 1985, p.318; Cornelissen & Hopster 2010, p.295). However, this may be partly a result of the presence of rabies in the area of one of the studies. Where rabies is present, people may seek rabies prophylaxis from a hospital for minor bites that they might otherwise not seek treatment for. As people are more likely to be concerned about rabies from non-family dogs, this may increase the proportion of non-family-dog bites treated in hospitals relative to countries without rabies.

The Committee does not consider that any additional burden should be placed on hospital staff to collect and record this sort of information. However, these limitations underscore the importance of also gathering data from other sources where it would be more appropriate to expect such information to be gathered and recorded (such as incidents reported to local councils).

8.2.2 Data from local councils

Dog rushes and dog attacks are often reported to local councils. As noted in Chapter 2 of this report, for the 50 councils for which the Committee was able to get data, over 4,000 incidents are reported every year.⁵²² This has the potential to provide an important source of information about dog attacks in the community.

Most councils that responded to the Committee's questionnaires indicated that they tracked a variety of details about dog attacks. However, a small number of councils informed the Committee that they did not record information about dog attacks in a format that can be easily extracted. For example, Moira Shire Council informed the Committee that it does not maintain statistics on dog attacks as a routine practice and that 'Any statistics generated need to be manually calculated from the CRM [Customer Request Management] module of the [Council's] database using a word specific search.'⁵²³

In New South Wales, a 'Companion Animals Register' is maintained by the state government. This includes data about all dogs registered in the state and all dog attacks reported to local councils. Within 72 hours of an attack or rush being reported, councils must enter the following into the register:

- (a) the identification information of the dog if it is a registered companion animal,
- (b) a description of the dog and the owner (if known) if it is not a registered companion animal,
- (c) details of the person or animal attacked and the nature of any injury,
- (d) details of any securing or seizing of the dog under section 18 of the Act, or any action taken to protect persons or property under section 22 of the Act,
- (e) such other information as the Director-General may direct from time to time by notice to the council.⁵²⁴

The New South Wales Government has been able to use this information to produce regular statistics about dog attacks in the state,⁵²⁵ as well as more in-depth reports (NSW Division of Local Government 2013). By having the information about the dog attacks in the same database as registration

⁵²² Committee calculation based on data from councils' Domestic Animal Management Plans, submissions to the Inquiry, annual reports and communication with the Committee. Data relate to 2011-12, 2012 or 2012-13. Where data are available for multiple years within this period, an average has been calculated.

⁵²³ Moira Shire Council, *Submission 31*, 3 July 2015; cf. Colac Otway Shire Council, *Submission 235*, 13 July 2015.

⁵²⁴ Companion Animals Regulation 2008 s 33A.

⁵²⁵ See NSW Office of Local Government, 'Statistics about Dogs and Cats' <www.olg.nsw.gov.au/public/dogs-and-cats/information-for-the-community/statistics-about-companion-animals>, accessed 27 January 2016.

information, further analyses are possible (where the attacking dogs have been registered), such as purported breeds of the dogs, their gender and whether or not they have been de-sexed.

The Committee considers a similar register with similar requirements should be established in Victoria.⁵²⁶ Victoria currently has a central database of declared dangerous, menacing and restricted-breed dogs (the Declared Dogs Register), but this does not include dogs other than these categories and does not include details of dog attacks.

The Committee considers that expanding this database, or creating a new database to include all registered dogs and dog attacks in Victoria, would provide a number of benefits. It would guide councils into recording key information in the event of dog attacks. It would provide a database which can be readily drawn on by the State Government and councils when developing and evaluating policy in this area. By providing the same information for every council, it would also help the Government to identify any municipalities with particular problems where additional assistance from the State Government may be required. Such a database may also help councils to track dogs and owners when they move from one municipality to another.⁵²⁷

In relation to what is included in the database, the Committee recommends that this should be determined in consultation with academics working in the area of dog attacks (see Section 8.5 of this chapter). In particular, the difficulties associated with establishing breed would need to be considered. The Committee also notes that the Australian Institute of Animal Management has done some work identifying key data to be recorded in relation to dog attacks.⁵²⁸ This may also prove helpful in designing the database.

RECOMMENDATION 15: That the Department of Economic Development, Jobs, Transport and Resources establish a central database of dog registrations and dog attacks, to which local councils can input data, similar to the Companion Animals Register in New South Wales. All councils should be required to provide registration data to this database. All councils should also be required to provide key information about all dog attacks (such as identifying the attacking dog, the location and circumstances of the attacks, the injuries sustained, the outcome of the incident and the owner history and suitability where relevant).

The information in this database would supplement the data available from hospitals. It would provide information about less-serious dog attacks. It could also capture a range of data that hospitals often do not capture, particularly about the attacking dog and the circumstances of the attack. When taken in conjunction with other information sources, the data would help to paint a fuller picture of dog attacks in Victoria.

⁵²⁶ This was also advocated by the Municipal Association of Victoria (among others) – Ms Claire Dunn, Manager, Environment and Regulatory Services, Municipal Association of Victoria, *Public Hearing*, 17 November 2015. See Section 8.4 of this chapter on support for a national database.

⁵²⁷ The value of tracking dogs that move municipalities is noted by Knox City Council, *Submission 216*, 17 July 2015.

⁵²⁸ Australian Institute of Animal Management 2013.

The Committee recognises that there will be limitations to this source of information. Dog attacks are likely to be significantly under-reported to local councils. For example, one study in South Australia found that only 16.7 per cent of dog attacks were reported to the local council (Hartnett 2011, p.8). A major driver of under-reporting may be that the family dog is often responsible for dog attacks (see Section 2.4.3 of this report). People are unlikely to report their own dogs to the local council, for fear of repercussions.⁵²⁹ If data such as breed are not verified, these may be of limited value too.

8.2.3 Surveys

As noted above, both hospital data and local council records are capable of only capturing partial information about dog attacks. In particular, neither source provides information about less serious dog bites. As Ms Linda Watson informed the Committee:

There are data available on deaths. Hospital-treated dog bite injury is available through emergency department presentation data and hospital admissions data. But comprehensive data on medical practitioner treated injury and non-medically treated injury are not available.⁵³⁰

Some studies have sought to overcome this information gap with surveys of victims attending hospitals⁵³¹ or the general public.⁵³² The Australian Veterinary Association recommended surveys of the general public for Victoria:

Surveys of dog bite incidence in the general population are also required, since the vast majority of dog bites are not reported to authorities and do not require medical attention. In particular, dog bites in the home or by known dogs are unlikely to be reported. Random digit dial telephone surveys (Gilchrist et al 2008) are probably the most useful, as well as surveys in, for example, veterinary practices (Guy et al 2001).⁵³³

Information from surveys would provide data about attacks not captured through hospital and local council data, especially less serious attacks and attacks within the home.⁵³⁴ Surveys would also provide the opportunity to collect data not captured in other sources, such as the circumstances of attacks or the dog's living arrangements.

⁵²⁹ Evidence for this might be seen in the fact that 37.9 per cent of dog attacks reported to councils in New South Wales in 2011-12 occurred on private property (NSW Division of Local Government 2013, p.27), whereas 56.6 per cent of emergency department presentations in Victoria for dog bites were in a home (Cassell & Ashby 2009, p.3).

⁵³⁰ Ms Linda Watson, *Submission 212*, 14 July 2015.

⁵³¹ See, for example, Linda Watson et al. [2012], 'A Case-Control Study of Dog Bite Risk Factors in a Domestic Setting to Children Aged 9 Years and Under' (document tabled in *Public Hearing*, 20 October 2015).

⁵³² See, for example, Cornelissen & Hopster 2010; De Kreuster, Lamoureux & Kahn 2006; Gilchrist et al. 2008; Hartnett 2011.

⁵³³ Australian Veterinary Association Ltd (Victoria Division), *Submission 499*, 20 August 2015. The Australian Veterinary Association also advocates mandatory reporting of potentially dangerous dogs by breeders, dog trainers, behaviourists and veterinarians (Australian Veterinary Association 2012, pp.23, 39).

⁵³⁴ Surveys of the general public would not be an effective means of finding information about dog bites requiring hospitalisation, given how infrequently they occur (13.3 per 100,000 people – see Section 2.2.2 of this report).

A number of such surveys have been conducted in other jurisdictions, including one in South Australia (Hartnett 2011). A major limitation to surveys of the general public is the large number of interviews that are required to establish a reasonable sample size, given the rarity of dog bites.⁵³⁵ This may make a survey specifically focused on dog bites costly. However, the Committee notes that South Australia included their questions within another survey that was being conducted, rather than conducting a survey specifically on dog bites. A similar approach in Victoria may make collecting data about less serious bites more practicable.

Including some questions about dog bites in larger surveys (such as the Victorian Population Health Survey) at regular intervals may help to establish a better understanding of dog bites in Victoria. When combined with data from hospitals and local councils, it could help governments to determine whether policies and the regulatory framework are reducing the incidence of dog attacks.

RECOMMENDATION 16: That the Department of Economic Development, Jobs, Transport and Resources investigate opportunities to include questions about the prevalence and circumstances of dog bites (including less serious bites) in other agencies' surveys of the general public, such as the Victorian Population Health Survey. Questions should be asked at regular intervals, to establish a time series to help with the evaluation of government policies in relation to preventing dog attacks.

8.3 Local council reporting

Every four years, each local council is required by the *Domestic Animals Act 1994* to produce a Domestic Animal Management Plan. The Act requires the council to outline the programs, services and strategies that it plans to implement in relation to dogs and cats. This includes strategies to minimise the risk of dog attacks and to identify all dangerous, menacing and restricted-breed dogs.⁵³⁶

As part of this plan, councils are also required to 'set out a method for evaluating whether the animal control services provided by the Council in its municipal district are adequate to give effect to the requirements of this Act [the Domestic Animals Act] and the regulations'.⁵³⁷ In addition, each council is required to 'publish an evaluation of its implementation of the plan in its annual report'.⁵³⁸

⁵³⁵ One study had to survey 40,355 households to find 1,420 people who had been bitten in the last 24 months (Cornelissen & Hopster 2010, p.293); one survey which included dog attacks among other matters had 3,046 respondents, of which only 108 respondents or their children had been attacked by a dog in the last three years (Hartnett 2011, pp.3-4); one survey of 1,184 families identified only 26 that had a child that had been bitten by a dog in the last 12 months (De Kreuster, Lamoureux & Kahn 2006, p.483); a survey of 9,684 households found 236 in which someone had been bitten in the last 12 months (Gilchrist et al. 2008, p.298).

⁵³⁶ *Domestic Animals Act 1994* s 68A.

⁵³⁷ *Domestic Animals Act 1994* s 68A(2)(a).

⁵³⁸ *Domestic Animals Act 1994* s 68A(3)(c).

There is a considerable degree of variation between councils in terms of the robustness of these published evaluations. The Darebin City Council, for example, provided three years of data on a number of indicators in its latest annual report and compared them to a state average where available. In relation to dogs, it reported on:

- the number of dogs impounded
- the number returned to the owner by the council
- the total number returned to owners
- the number rehoused
- the number transferred to rescue
- the number surrendered directly to rescue
- the number euthanased (Darebin City Council 2015, p.141).

In its Domestic Animal Management Plan, the Darebin City Council also stated that it intended to collect further details, including information about dogs that are seized by the council and the reasons for euthanasia (Darebin City Council 2013, p.17).

The Whittlesea City Council also provided a number of quantified indicators in its annual report. These were quite different to those of the Darebin City Council. Whittlesea's dog-related indicators were:

- the number of dog registrations
- the number of 'proactive property inspections for new animal registration within new estates'
- the number of registration renewal follow-ups
- 'enforcement success'⁵³⁹
- the number of barking dog complaints received
- the number of reported alleged dog attacks investigated
- the proportions of impounded dogs that are reclaimed, rehoused and euthanased
- the proportion of declared dangerous and restricted-breed dogs that are audited each year
- the proportion of domestic animal businesses that are audited each year (Whittlesea City Council 2015, p.126).

⁵³⁹ This measures the proportion of detected breaches of acts, regulations or general municipal laws that are dealt with by the issuance of caution notices, notices to comply, infringement notices or summons.

Other councils, however, published significantly less information. Some report simply the general information required by regulations in relation to animal management,⁵⁴⁰ with no specific mention of their Domestic Animal Management Plans in their annual reports.⁵⁴¹ The Committee does not consider that this constitutes an appropriate evaluation of the plan's implementation, as required by the Act.

Given the important role councils play in dog management, the Committee considers that the level of reporting by some councils should be improved. The Committee also considers that every council should be reporting information that can genuinely be used to tell whether the council's Domestic Animal Management Plan is being successfully implemented or not. The Committee recognises that different councils have different priorities and therefore should adopt different measures. However, at a minimum, *all* councils should be including the numbers of dog attacks and quantified measures indicating their success at managing dangerous, menacing and restricted-breed dogs (such as the proportion of these dogs that are audited each year and the number of dogs in these categories that are involved in incidents). Councils should also report on their success at tracking and managing owner histories and suitability where relevant.

The Committee notes the Domestic Animals Unit (within the Department of Economic Development, Jobs, Transport and Resources) has developed materials and run workshops to help councils in the development of their plans (Department of Economic Development, Jobs, Transport and Resources 2015, p.3).

The Committee considers that clearer guidance needs to be given to local councils about how to report on the implementation of their plans. To give this guidance authority and to make it easy for councils to find, the Committee suggests that it be included in the model report of operations for local councils and associated guidance.⁵⁴² This document is currently produced by the Department of Environment, Land, Water and Planning.

540 Specifically: the time taken to action animal requests, the proportion of collected animals that are reclaimed, the cost of animal management services and the number of successful animal management prosecutions (Local Government (Planning and Reporting) Regulations 2014, Schedule 2).

541 Some councils stated that the plan had been reviewed (in line with the requirement for an annual review), but provided little or no information about the review or the implementation of the plan.

542 Currently, the only information about Domestic Animal Management Plans in the model report is the following sample text: 'In accordance with the *Domestic Animals Act 1994*, council is required to prepare a Domestic Animal Management Plan at four yearly intervals and evaluate its implementation in the annual report. Council adopted the Domestic Animal Management Plan 2014-18 in July 2014. The new plan was developed through consultation with council's Animal Management Team and consideration of input from other council departments. No actions were completed at the date of this report.' (Department of Environment, Land, Water and Planning 2015, p.70).

RECOMMENDATION 17: That the Department of Environment, Land, Water and Planning work with the Domestic Animals Unit (of the Department of Economic Development, Jobs, Transport and Resources) to update the model report for local council reports of operations (and associated guidance) in relation to Domestic Animal Management Plans. The updated documentation should guide councils in fulfilling their legislative requirement to publish an evaluation of the implementation of their Domestic Animal Management Plans in their annual reports. This guidance should provide examples of the type of indicators that are appropriate, including quantified indicators. The guidance should indicate that all councils should report on the number of dog attacks as part of this evaluation, along with quantified measures indicating their success at managing dangerous, menacing and restricted-breed dogs and managing owner histories and suitability where relevant.

The Committee notes that, in addition to producing guidance, it is important for somebody to monitor whether or not the guidance is being followed. As this information is of particular relevance to the Domestic Animals Unit of the Department of Economic Development, Jobs, Transport and Resources, the Committee considers that this unit should examine and report on the information provided by local councils in their annual reports each year.

RECOMMENDATION 18: That the Domestic Animals Unit of the Department of Economic Development, Jobs, Transport and Resources examine the annual reports of local councils each year to assess the evaluations within them of the implementation of councils' Domestic Animals Management Plans. The unit should publish a brief report each year identifying any improvements that could be made to these evaluations.

8.4 A national system of record keeping

A number of submissions to this Inquiry advocated for the creation of a database of dog attacks and dangerous dogs at the Commonwealth level. For example, the Australian Veterinary Association told the Committee that:

A nationally consistent reporting system is required to truly understand the nature of the problem, to base policy on reliable data, and to assess the impact of policy and legislative change. The system would require a single database and mandatory reporting of dog bite incidents including:

- Dog bites from hospitals, with a standard grading system for injuries and data about the victim, location and time of attack, and the dog's involved
- Dog attack reports from states, territories or councils (depending where the legislation and data records lie). Sources should include dog management personnel and police. The *Council Reports of Dog Attacks NSW 2011-2012* is a good example of data reporting and analysis

Details of declared dangerous dogs would also need to be recorded, given that the human and therefore dog populations are highly mobile and move from jurisdiction to jurisdiction.⁵⁴³

⁵⁴³ Australian Veterinary Association Ltd (Victoria Division), *Submission 499*, 20 August 2015; cf. Australian Veterinary Association 2012, pp.22-3.

A national database was also advocated as part of this Inquiry by the RSPCA and the Lost Dogs Home, among others.⁵⁴⁴ The New South Wales Companion Animals Taskforce similarly recommended:

The Minister for Local Government and NSW Attorney General should write to the Federal Attorney General to request that a cross-jurisdictional working group be established to develop a national dog attack and dangerous dog database. (NSW Companion Animals Taskforce 2013, p.24)

The Taskforce also noted that:

Other jurisdictions have previously flagged proposals to establish a national approach to dangerous dog management, including a 2011 request by the former Commonwealth Attorney General to relevant State Ministers to work together to establish nationally consistent laws in relation to dangerous and restricted dogs. However, to date, this has not come to realisation. (NSW Companion Animals Taskforce 2013, p.24)

The Committee agrees that a national database would be beneficial. It would serve as a source of evidence for researchers, policy makers and enforcement agencies.

Including all declared dangerous and menacing dogs on the database would also assist local councils of one state or territory to identify dogs declared dangerous in other jurisdictions. If a declared dangerous dog moves state, the database may assist the new council to be aware of the dangerous dog and to take appropriate action.⁵⁴⁵ Including details of owners who have a history of serious irresponsible dog management could also assist councils to identify potential problems. Such a database may help with identifying potential problem dogs before attacks, as discussed in Section 7.5 of this report.

RECOMMENDATION 19: That the Victorian Government write to the Commonwealth Attorney-General seeking a national database of dog attacks and dogs that have been declared dangerous or menacing (or the equivalent in other states) and owner histories and suitability where relevant.

8.5 Further research on the causes of dog attack

A number of people who gave evidence to the Inquiry considered that further research into the causes of dog attack would be valuable. The Animal Welfare Science Centre at the University of Melbourne argued:

Canine aggression reflects an interaction between genetics, socialisation and training (learning), and immediate situational/environmental factors. Furthermore, human behaviour impacts at all three levels. Thus, any investigation into causation must also include more systematic research to assess the relative contributions of owner

⁵⁴⁴ The Royal Society for the Prevention of Cruelty to Animals (Victoria), *Submission 489*, 14 August 2015; The Lost Dogs Home, *Submission 187*, 10 July 2015; Mr Michael Faltermaier, *Submission 195*, 10 July 2015; Bruce et al. 2015, p.18. See also Australian Institute of Animal Management 2013a.

⁵⁴⁵ The Royal Society for the Prevention of Cruelty to Animals (Victoria), *Submission 489*, 14 August 2015.

attitudes, behaviour and personality on dog aggression to humans. The literature and reports from other dog populations suggest that breed-specific legislation alone will not effectively resolve the dog bite problem in Victoria. In order to reduce the threat canine aggression poses to the community, we must;

1. Improve our understanding of canine aggression and its causation in the Victorian community, and
2. Use this knowledge to develop strategies to address canine aggression and promote responsible dog ownership in Victoria.⁵⁴⁶

The submission stated that key weaknesses in our knowledge of dog behaviour and dog aggression include:

- universal, easily understood and accurate definitions of aggression,
- early experience and the effects of learning, particularly the effects of early human and dog contact, on subsequent canine fear and aggression,
- the beliefs, attitudes and behaviour of the dog's carer,
- breed or type of dog as indicated by genetic analysis,
- environmental and situational factors associate with canine aggression,
- human-canine interactions, and
- canine temperament, and the validity of canine temperament tests.⁵⁴⁷

Other researchers have also identified further weaknesses in our knowledge, such as the socio-demographic characteristics of aggressive dog owners and victims (Rock et al. 2014) and an over-reliance on a small numbers of breeds in studies (Merkham & Wynne 2014, pp.22-3).

Professor Coleman from the Animal Welfare Science Centre noted that further research has the potential to contribute to practical outcomes:

... what is needed is some direct research that links all of the relevant components to actual behavioural outcomes in dogs. It would certainly include the risk outcomes – the injury outcomes as well.

... in terms of outcomes, this information can do [multiple] things, really. One is it can inform the debate, so that means in situations like this, where you are trying to make judgements about what is the appropriate course of action and what is the appropriate legislation, you have actually got some concrete data upon which to base it. It also provides an opportunity for public discourse to be informed so that there is some expert advice that can be given to the media or can be given to regulatory bodies or whatever, where that is appropriate to do so. Thirdly, it can be used to inform education programs.⁵⁴⁸

Similarly, representatives from Animals Australia stressed the importance of research into the causes of dog attacks:

⁵⁴⁶ Animal Welfare Science Centre, The University of Melbourne, *Submission 179*, 10 July 2015.

⁵⁴⁷ Animal Welfare Science Centre, The University of Melbourne, *Submission 179*, 10 July 2015.

⁵⁴⁸ Professor Grahame Coleman, Animal Welfare Science Centre, University of Melbourne, *Public Hearing*, 18 November 2015.

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.⁵⁴⁹

As discussed in Chapters 2 and 4 of this report, there are many aspects of dog attacks where research to date has proven inconclusive or contradictory. This includes key risk factors for dog attacks, such as what living conditions make dogs more likely to attack and the relationship between breed and aggression. Research that provides a clearer understanding of such factors has the potential to improve lives by enabling individuals to reduce risk and enabling governments to develop more effective policy and education campaigns.

The Companion Animals Taskforce in New South Wales has noted that funding for such research is not always available:

Funding for research into cat and dog issues is limited and does not always address factors which may assist the development of good policy for industry, welfare agencies and Government. (NSW Companion Animals Taskforce 2012, p.28)

The Taskforce recommended that the New South Wales Government fund further research into ‘dangerous dog issues’, including the circumstances of dog attacks (NSW Companion Animals Taskforce 2013, p.19). This was supported by the Government ‘subject to available funding and priority’.⁵⁵⁰

In Victoria, the levy that is passed to the State Government from local council registration fees is partly intended to fund research into domestic animal management.⁵⁵¹ This has been used to fund research into a variety of areas, including dog attack prevention, in previous years (Department of Economic Development, Jobs, Transport and Resources 2015, p.18).

The Animal Welfare Science Centre recommended that the Victorian Government specifically fund ‘an investigation to identify the causal factors contributing to serious dog bites to people’.⁵⁵² While the Committee agrees that further research in this area would certainly be beneficial, it notes that there are people working in multiple countries around the world on such matters. Additional research funding from the Victorian Government is not likely to resolve the areas of uncertainty in relation to dog attacks. This is especially so, given that much of the uncertainty is a result of difficulties with the availability of data rather than a lack of analysis.

⁵⁴⁹ Ms Shatha Hamade, Legal Counsel, Animals Australia, *Public Hearing*, 18 November 2015.

⁵⁵⁰ NSW Government, ‘Government Response to Companion Animals Taskforce Recommendations’.

⁵⁵¹ *Domestic Animals Act 1994* s 69(2).

⁵⁵² Animal Welfare Science Centre, The University of Melbourne, *Submission 179*, 10 July 2015.

The recommendations earlier in this chapter about the collection of data from local councils and through surveys should assist researchers going forward. To ensure that this is the case, the Committee considers that the Government should consult with relevant academics when determining what data should be collected. The Government should also ensure that the relevant data are available for any researchers to access for future research.

The Committee notes the possibility of funding from the Commonwealth Government and other bodies for high-quality research proposals (such as the Australian Research Council or the National Health and Medical Research Council). The Committee particularly encourages researchers to seek funding for work on the causes of dog attacks and ways to prevent them.

RECOMMENDATION 20: That the Government consult with relevant academics when establishing databases related to dogs, dog attacks and owner history where relevant in Victoria and when developing surveys regarding dog attacks. This consultation should aim to ensure that the data collected will be beneficial to future research. Any data collected through these means should be freely available to researchers studying dog attacks.

One point made by some witnesses to the Inquiry is that, in the rare cases of death or serious injury through dog attack, it may be helpful to examine the dog prior to euthanasia. This may identify (or rule out) particular factors that contributed to the attack, such as brain trauma or disease:

I have collected all of the data on all of the fatalities in Australia with the aim of looking at common characteristics of all of them, and a major issue to me is that when there is a fatality or a very serious incident, the dog is instantly killed. In any other situation that dog would be considered evidence. That dog should be examined by vets for health issues, injury issues and behavioural issues and then, if the decision is that, disposed of. But until you look at an incident and look at everything, you are not going to learn how to fix the problem.⁵⁵³

It is suggested that, without such investigations, the cause of the dog attack may be incorrectly assumed. The importance of properly understanding actual cases of dog attack has also been noted by the Australian Institute of Animal Management:

It is only from known incidents of aggression, that a reliable determination of “dangerousness” can be made. It is also only from such known incidents that a better understanding of aggression prevention can be derived. Much more will be understood about aggression *prevention* if aggression *incidents* are handled in a thoroughly professional and pro-active, investigative manner. (Australian Institute of Animal Management 2013b, p.3)

⁵⁵³ Ms Linda Watson, *Public Hearing*, 20 October 2015; cf. Mr Brad Griggs, owner and operator, Canine Services International, *Public Hearing*, 24 November 2015.

The Committee agrees that a thorough, expert medical and behavioural investigation of any dog that has killed or seriously injured a person is important for understanding the causes of dog attacks. Such an investigation should therefore be a part of standard procedures. The findings should be readily available for researchers to use in studying the causes of dog attacks.

RECOMMENDATION 21: That the Government establish processes to ensure that any dog that kills or seriously injures a person is subject to a thorough medical and behavioural assessment by a veterinary and dog behaviour expert to identify any factors that may have contributed to the attack. The results of these assessments should be publicly available.

8.6 Conclusion

As noted in previous chapters, there are a number of limitations to the collection of data about dog attacks in Victoria. Some of these limitations relate to the nature of the data sources. Some are a result of the processes followed by the agencies that collect data. However, the Committee considers that data collection and reporting in Victoria can be improved.

The Committee considers that data should be collected from three sources – hospitals, local councils and surveys of the general public. Each of these sources captures different information. Together they would provide a clearer picture than would come from relying on any one source.

The information from these three sources would benefit state and local governments in developing and evaluating policies to reduce dog attacks. The data would also be a valuable resource for researchers trying to understand the causes of dog attacks. Given this, the Committee considers it important that academics are consulted to ensure that the most appropriate data are collected. The data should also be freely available to researchers.

To assist with data collection, the Committee has recommended that the State Government establish a central database for information from local councils about registered dogs and dog attacks. The Committee has also recommended that the Government advocate for the creation of a national database.

Data about dog attacks are also important for local councils to report on the success of their Domestic Animal Management Plans. There is currently considerable variation between councils in how they report this and the Committee considers that some reporting is currently inadequate. The Committee has recommended more guidance and oversight from the State Government on this point.

9 Improving Victoria's dog control model – the way forward

9.1 Introduction

This has been a complex inquiry addressing an issue that is clearly of great interest to many Victorians. Issues related to dogs and dog ownership can evoke much emotion, even passion, as seen in many of the submissions to the Inquiry.

The key question for the Committee has been: should breed-specific legislation (BSL) in Victoria be repealed and, if so, what should replace it? The Committee's suggested way forward is set out in Section 9.5 of this chapter. In short, the Committee considers that the prohibition on registering Pit Bulls⁵⁵⁴ should be lifted. This would remove councils' power to take a pet and euthanase it solely because of its suspected breed. The Committee considers that other restrictions should still apply to Pit Bulls, though, as some evidence suggests that Pit Bulls may pose a higher risk to community safety.

However, the Committee does not believe that identifying the breeds of dogs should be the focus of local council officers. Ultimately, the Committee considers that their efforts should be directed towards identifying individual dogs that have shown aggressive tendencies and towards encouraging responsible pet ownership. This is more likely to provide protection to the community and environment than trying to identify the breeds of dogs. It would therefore represent a better use of councils' limited resources.

This chapter sets out the considerations that have led the Committee to reaching these conclusions, including some of the key findings set out in earlier chapters of this report.

Local councils are key players in this area, and this chapter also examines their role and how the State Government can best support councils going forward.

Finally, the chapter notes some other packages of reforms that may complement the Committee's approach.

⁵⁵⁴ Pit Bulls are the only restricted-breed dog considered as part of this Inquiry, as they are the only breed believed to be in Victoria.

9.2 To repeal or not repeal?

In relation to the breed-specific legislation in Victoria, the Committee considered three main options. All options relate exclusively to Pit Bulls and not to the other four restricted breeds. The Committee understands that the other breeds are not present in Victoria and these have not been a part of the investigation undertaken in this Inquiry.

9.2.1 Option one – maintain the existing restrictions on Pit Bulls (no change)

This option would mean that dogs believed to be Pit Bulls that were not registered prior to 2011⁵⁵⁵ could be declared restricted-breed dogs, seized by animal management officers and euthanased (once the formal process of appeal and review had been undertaken if sought). Pit Bulls that were registered before 2011 would be subject to breed-specific regulations, such as being muzzled in public, mandatory de-sexing and warning signs on their properties. The current laws relating to Pit Bulls are set out in more detail in Chapter 3 of this report.

In theory, this approach would lead to there being no Pit Bulls in Victoria after one generation.

In practice, though, identifying Pit Bulls has proven to be difficult. If this option were to be recommended, some thought would have to be given to who would determine which dogs are Pit Bulls and how. This is discussed in Section 9.4 of this chapter.

9.2.2 Option two – remove all breed-specific provisions relating to Pit Bulls

Many submitters considered that *any* breed-specific restrictions are inappropriate and that all breed-specific provisions should be removed from Victoria's legislation. These submitters advocated reducing the risk of dog attacks through education and the promotion of responsible pet ownership (see Chapters 6 and 7 of this report). Where individual dogs pose a risk, these would be managed through menacing or dangerous dog declarations (see Section 3.3.3 of this report).

⁵⁵⁵ To be exempt from these provisions, Pit Bulls must have been in Victoria immediately before the commencement of the *Domestic Animals Amendment (Dangerous Dogs) Act 2010* and registered immediately before the commencement of the *Domestic Animals Amendment (Restricted Breeds) Act 2011 (Domestic Animals Act 1994 s 17)*.

9.2.3 Option three – allow Pit Bulls to be registered but maintain other restrictions

Some jurisdictions have BSL that does not ban particular breeds but regulates how they may be kept (Bradley 2014). This could represent a sort of 'middle road' between options one and two. It may overcome the worst of the problems with the current regulatory framework while retaining a level of caution regarding Pit Bulls.

This option is further detailed in Section 9.5 of this chapter.

9.3 Is breed-specific legislation a reasonable approach?

The rationale behind BSL is that particular breeds (such as Pit Bulls) pose a greater risk to community safety than other breeds. It is then contended that legislation restricting dogs of these breeds will reduce this risk.

Many submitters and witnesses to this Inquiry questioned these premises. They argued that Pit Bulls pose no greater risk than other breeds and that BSL is not an effective way to reduce risk.

After considering the evidence in this Inquiry, the Committee has found that:

- it is not clear whether or not Pit Bulls pose a greater risk than other breeds, as different studies have reached different conclusions and many have been limited by a lack of reliable data (see Section 4.4 of this report)
- it is not clear whether or not BSL in other jurisdictions has been effective at reducing injuries from dog attacks, as evaluations have reached contradictory or unclear conclusions (see Section 4.5 of this report).

Based on the available evidence, the Committee does not consider that a firm conclusion on these matters can currently be reached. It may be that Pit Bulls pose a greater risk and that BSL will reduce that risk. However, it may also be that Pit Bulls do not pose a greater risk. And it may be that BSL is not an effective means of reducing risk.

This lack of clarity makes policy decisions difficult. If we apply the precautionary principle, which favours erring on the side of caution in cases of uncertainty (see Section 1.5.1 of this report), it could be argued that option one (no change) is the most prudent approach in the circumstances.

However, a very clear message that came through this Inquiry is that there are significant practical difficulties with identifying Pit Bulls (see Section 4.3 of this report). This limits the usefulness of BSL in practice.

9.4 The problem of identifying Pit Bulls

9.4.1 Problems for local councils

A number of problems were raised with the existing approach to identifying Pit Bulls, which relies on local council officers determining whether or not the appearance of a dog meets the criteria set out in the *Standard for Restricted Breed Dogs in Victoria*.⁵⁵⁶

As discussed in Section 4.3.2 of this report, many groups, including local councils, have been highly critical of this approach. Some councils informed the Committee that the legislation is 'almost impossible' for councils to enforce.⁵⁵⁷ The Greater Bendigo City Council put it more forcefully, stating:

The total failure of the current legislative framework makes it impossible for officers to effectively enforce the restricted breed dog provisions. The subsequent waste of community resources means that Councils, on behalf of their communities, choose to 'work around' the legislation rather than apply it.⁵⁵⁸

Key criticisms raised by councils include that:

- the *Standard for Restricted Breed Dogs in Victoria* is complex and ambiguous
- animal management officers are not experts in breed identification
- there is not enough training available on breed identification.

The Committee acknowledges these concerns. However, it also notes studies which have indicated that it may not be possible to accurately identify breed visually, at least in relation to Pit Bulls (see Section 4.3.2 of this report). This may be due to fundamental limitations to visual identification as a method of determining breed. Therefore, it may be that no amount of additional training or improving the Standard is going to resolve this problem.

At any rate, the ineffectiveness of the current system is seen in the fact that council decisions are regularly overturned by the Victorian Civil and Administrative Tribunal (VCAT) (see Section 3.6.1 of this report). Though the legislation has charged council officers with identifying Pit Bulls, VCAT has often found that their decisions cannot be supported. This represents a fundamental problem with the existing legislation.

In addition, the appeals process has resulted in significant costs for councils as they defend restricted-breed dog declarations. The Committee was informed that costs could reach 'hundreds and thousands of dollars on a single dog'.⁵⁵⁹ As

⁵⁵⁶ In addition to the problems for local councils discussed in this section, the Committee also notes that the current arrangements have produced problems for dog owners and the general public (see Sections 1.5.3 and 3.6 of this report).

⁵⁵⁷ Melton City Council, *Submission 118*, 9 July 2015.

⁵⁵⁸ Greater Bendigo City Council, *Submission 231*, 13 July 2015.

⁵⁵⁹ Darebin City Council, *Submission 210*, 13 July 2015.

councils often lose such cases, costs can be awarded against them. In addition, the cost of sheltering and looking after the suspected restricted-breed dogs during the process, sometimes for up to a year, can also be borne by councils.⁵⁶⁰

Dr Paul Martin of the Australian Veterinary Association told the Committee the amount of money wasted by councils in this area is ‘really horrific’. He continued:

The [only] people who have benefited are the lawyers. They have clogged up VCAT, and we have had case after case go on over things that are really an opinion and cannot be proven. How much better would it be if that council money was spent on a regulatory and cohesive framework, as was detailed to you under the Calgary model where everyone in the community gets involved...⁵⁶¹

The Committee was informed that, because of possible costs, some councils will not challenge an owner's appeal against a declaration, or may even avoid making restricted-breed dog declarations in the first place.⁵⁶²

The money spent defending restricted-breed declarations could be more usefully spent in other areas of animal management.⁵⁶³ A number of councils indicated that they struggle to fund animal management without the added costs of legal challenges.

Some councils also stated that a problem with the existing approach is abuse and aggression directed towards council officers. This may occur when they take a suspected restricted-breed dog into custody, are involved in legal proceedings concerning suspected restricted-breed dogs or even merely make inquiries about restricted-breed dogs.⁵⁶⁴ Such abuse may range from verbal threats to other forms of intimidation or even physical violence.⁵⁶⁵

Having council officers identify and declare restricted breeds can also create an adversarial relationship between members of the public and councils. The Committee notes that a number of jurisdictions have sought to create more collaborative relationships between council officers and dog owners as a helpful step to promote responsible pet ownership and thereby reduce dog attacks. BSL may be counter-productive to this.

⁵⁶⁰ Hume City Council, *Submission 239*, 20 July 2015.

⁵⁶¹ Dr Paul Martin, President, Australian Veterinary Association (Victorian division), *Public Hearing*, 10 November 2015.

⁵⁶² See for example, Melton City Council, *Submission 118*, 9 July 2015; Ballarat City Council, *Submission 213*, 14 July 2015; Campaspe Shire Council, *Submission 236*, 20 July 2015; Casey City Council, *Submission 120*, 9 July 2015; Greater Bendigo City Council, *Submission 231*, 13 July 2015; Hume City Council, *Submission 239*, 20 July 2015.

⁵⁶³ Canine Welfare Alliance of Australia, *Submission 217*, 17 July 2015.

⁵⁶⁴ See Moira Shire Council, *Submission 31*, 3 July 2015; Melton City Council, *Submission 118*, 9 July 2015; Mitchell Shire Council, *Submission 165*, 10 July 2015; Wyndham City Council, *Submission 237*, 13 July 2015; Hume City Council, *Submission 239*, 20 July 2015. Note also a submission from an animal management officer (Ms Celestina Giuliano, *Submission 200*, 10 July 2015), who is critical of the role she is required to undertake as a result of BSL.

⁵⁶⁵ See also the evidence of Mr Dean Robertson, Program Manager Compliance, Melbourne City Council, *Public Hearing*, 17 November 2015. Mr Robertson states that animal management officers can often feel that their skills or integrity are impugned when their evidence on restricted-breed dog declarations is questioned in court.

In conclusion, the Municipal Association of Victoria (among others) has argued that, if the restricted-breed provisions are to remain, responsibility for their administration should be shifted away from local government:

The restricted breed dog legislative provisions as drafted are not able to be effectively implemented by councils. Given the number of VCAT decisions now available that make clear that breed experts are required to implement the legislation to the satisfaction of VCAT, it is incumbent on the State to either amend or repeal the legislation or reallocate responsibility for implementation of the restricted breed dog provisions to authorities other than councils that do have the requisite knowledge and skills.⁵⁶⁶

The Committee agrees that an alternative mechanism for identifying the breed of dogs needs to be found if BSL is to remain in any form.

9.4.2 An independent panel to identify breeds

One alternative to council officers identifying restricted-breed dogs is an independent expert panel. This was advocated by a number of councils.⁵⁶⁷ Under such an arrangement, suspected restricted-breed dogs would be identified by council officers and referred to the panel, which would then determine the breed.

Whitehorse City Council explained:

If any restricted breed legislation is to remain the State, through its Department of Economic Development, Jobs, Transport and Resources as subject matter experts, should manage the entire process. Local government would assess any dog that potentially meets the “standard” and then refer the matter to the State for determination and management of any appeal. This approach would ensure a consistent approach, enable veterinarians to provide expert advice on any proposed declaration, and represent the State in the judicial system should the need arise.⁵⁶⁸

Mr Rob Spence of the Municipal Association of Victoria (MAV) expanded on the idea of a state-run panel:

The issue in this is having the appropriate skill set to determine whether the dog is or is not a restricted breed dog. We cannot say whether the councils have properly assessed or not, but what we know is that when it gets to VCAT there have been 19 of them overturned, against expert witnesses on the other side. In my view it would be much better if we had a state-auspiced expert panel where the authority for final determination, subject to VCAT and so on, would be through a state authority. I think that would be a great assistance to councils.⁵⁶⁹

This would not necessarily reduce the number of appeals to restricted-breed dog declarations, but it may result in the courts being more likely to uphold the decisions and even award costs against the owners.

⁵⁶⁶ Municipal Association of Victoria, *Submission 194*, 10 July 2015.

⁵⁶⁷ Melbourne City Council, *Submission 220*, 20 July 2015; Darebin City Council, *Submission 210*, 13 July 2015; Whitehorse City Council, *Submission 223*, 13 July 2015.

⁵⁶⁸ Whitehorse City Council, *Submission 223*, 13 July 2015.

⁵⁶⁹ Mr Rob Spence, Chief Executive Officer, Municipal Association of Victoria, *Public Hearing*, 17 November 2015.

The MAV argued that, at the very least, councils should be able to call on the State Government to provide experts to give evidence on councils' behalf at hearings:

Councils have told the MAV that their requests for assistance from the relevant division of the Department of Economic Development, Jobs, Transport and Resources (previously the Department of Environment and Primary Industries) have been denied. Despite drafting the legislation, developing the breed standard, and having subject matter experts at its disposal, the State has consistently refused to support councils at VCAT.⁵⁷⁰

However, the Committee does not consider that an independent panel or an expert witness available to councils would necessarily solve the problems of breed identification. As discussed in Section 4.3.2 of this report, some studies have indicated that people in dog-related professions also struggle to accurately identify Pit Bulls.⁵⁷¹ The problem of identifying Pit Bulls is not necessarily a lack of training but is, at least partly, a result of the inherent difficulties in identifying breed by visual means.

As also discussed in Section 4.3.2 of this report, it may be difficult to establish such a panel, as animal care professionals may be reluctant to be part of it. As Dr Alan Bolton of the Lost Dogs Home stated:

[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.⁵⁷²

The Veterinary Practitioners Board of Victoria specifically argued in its submission that it is inappropriate for veterinarians to have any role in administering the restricted-breed legislation. The Board believed that any involvement would shift veterinarians' focus from animal welfare and could result in a loss of public confidence and trust.⁵⁷³

Given all of the above considerations, the Committee does not consider that an independent expert panel is likely to resolve the issue of identifying Pit Bulls.

The Committee notes that appeals to restricted-breed dog declarations were heard by panels composed of people from animal welfare agencies and peak bodies prior to 2010. The Committee understands that the panels overturned the majority of restricted-breed dog declarations taken to them.

⁵⁷⁰ Municipal Association of Victoria, *Submission 194*, 10 July 2015.

⁵⁷¹ See also the testimony of Mr Rob Spence and Ms Claire Dunn of the Municipal Association of Victoria (*Public Hearing*, 17 November 2015) on constituting a panel and the difficulties it may face determining breed.

⁵⁷² Dr Alan Bolton, General Manager, Veterinary Services, Lost Dogs Home, *Public Hearing*, 17 November 2015.

⁵⁷³ Veterinary Practitioners Registration Board of Victoria, *Submission 26*, 2 July 2015.

Ultimately, the Committee does not see any clear way to identify Pit Bulls.⁵⁷⁴ This represents a serious problem for BSL and has been an important factor in the Committee's considerations.

9.5 The way forward

The issue of dog control, and particularly the regulation of specific breeds such as Pit Bulls, understandably gives rise to strong emotions from all sides. No doubt many Pit Bulls are well behaved and are well loved pets. Moreover, many owners are in all likelihood responsible people who endeavour to 'do the right thing' as far as the husbandry of these dogs is concerned. Certainly, that is the claim of many submissions from both individuals and organisations that gave evidence to this Inquiry.

The Committee, however, has a responsibility not to recommend any action that might endanger community safety. Given that there is some evidence to suggest that certain breeds (including possibly Pit Bulls) *may* pose a higher risk than other breeds, the Committee does not find the concept of BSL to be without merit.

However, after reviewing all the evidence to this Inquiry, it is clear that the current system is not working. On their own admission, councils are not equipped to identify and declare restricted-breed dogs. In some cases, it would appear they no longer attempt to do so. When a council does endeavour to declare a dog to be of a restricted breed, the potential costs of appeals can be inordinately expensive.

The Committee considers that the system could be improved in three key ways:

- by allowing the registration of Pit Bulls, though with specific restrictions on the keeping of Pit Bulls remaining in place
- by council animal management officers not pro-actively seeking to find and declare dogs to be Pit Bulls
- by shifting the focus of councils to identifying individual dogs (of any breed) that pose a particular risk and to preventing incidents by encouraging responsible pet ownership.

The Committee considers that these changes would ultimately improve public safety, as explained below.

9.5.1 Allowing the registration of Pit Bulls

The Committee was informed that there are significant benefits to having dogs registered (see Section 7.2.1 of this report). Among other things, registration establishes a connection between the dog owner and the local council, which can

⁵⁷⁴ The problems with other possible options, such as DNA testing, are discussed in Section 4.3 of this report.

allow for the dissemination of information and the establishment of incentives for responsible behaviour through discounts. Allowing the registration of Pit Bulls would facilitate such positive interactions between councils and dog owners.

In addition, because Pit Bulls that were not registered before 2011 cannot now be registered, councils are able to euthanase them purely because of their breed. This has led to animosity between councils and dog owners, protracted legal cases and suffering for dogs and owners. By allowing the registration of all Pit Bulls, this practice would no longer continue.

Of course, destruction would still be a possibility for Pit Bulls that have demonstrated aggression or pose a threat, as it is for dogs of any other breed.

While the Committee supports the registration of Pit Bulls, it does not support the removal of other restrictions on Pit Bulls at this time (see Section 9.8 of this chapter on the need to review restrictions as more evidence becomes available). The strict conditions that currently apply to keeping Pit Bulls should be maintained. For example, the provisions requiring Pit Bulls to be securely contained on their owners' properties, and leashed and muzzled when outside their properties, should remain. Current bans on the breeding of Pit Bulls should also remain in place. Pit Bulls that do not have an identifiable owner should be able to be seized and destroyed, as is currently the case. Essentially, it is proposed that Pit Bulls not be banned, but stringent conditions be applied for them to be kept.

RECOMMENDATION 22: That the *Domestic Animals Act 1994* be amended to allow the registration of Pit Bulls. Other restrictions in the Act relating to Pit Bulls should be retained.

In addition, the Committee considers that there may be merit in encouraging temperament testing for Pit Bulls. Proof of successful temperament testing from an approved temperament tester could be made a condition of registration for Pit Bulls. Alternatively, Pit Bulls (and other dogs) could be eligible for discounted registrations if they pass temperament tests.

However, as discussed in Section 7.6 of this report, standard temperament tests and formal accreditation processes would need to be developed before these would be practicable options. This may be something that the Government works towards as part of a responsible pet ownership approach.

9.5.2 Shifting the focus of local council officers

Away from identifying restricted-breed dogs

As the Committee has recommended that some breed-specific restrictions remain in place, there is still a need for Pit Bulls to be identified. However, as discussed in Section 9.4 of this chapter, identifying Pit Bulls is difficult and has had negative consequences for local councils. The Committee does not believe that council officers should spend their time attempting to identify Pit Bulls, nor

should councils expend resources defending breed declarations. The Committee considers that it would be better for councils to spend their resources managing specific dogs (of any breed) that pose a threat to safety.

Instead, the Committee believes that responsibility for identifying Pit Bulls should rest with owners and be enforced by courts.

As is currently the case, when people register their dogs, they should be required to declare whether or not they are restricted-breed dogs.⁵⁷⁵ At this point, it is incumbent on owners to identify their dogs as Pit Bulls if appropriate. Failure to do so already carries a penalty of 10 penalty units (currently \$1,517).

In addition, the Committee considers that new provisions should be added to the Act to further penalise any person who has registered their dog as not a restricted-breed dog when it is a restricted-breed dog. The Committee recommends that, if a restricted-breed dog commits any offence under section 29 of the Domestic Animals Act (attacking, biting, rushing or chasing), a greater penalty should apply if the owner has falsely registered the dog as not a restricted-breed dog. The idea of this provision is that owners would need to take appropriate responsibility for having a Pit Bull and to understand that, if they register their Pit Bull as not a restricted-breed dog and something happens, they may be subject to additional penalties.

The Committee also proposes that section 29 of the Act be strengthened with greater penalties if the dog attacking, biting, rushing or chasing is a restricted-breed dog and is not being kept in accordance with the restrictions applying to restricted-breed dogs (such as muzzling in public or secure containment on the owner's property). In cases where the action of a restricted-breed dog has resulted in death or danger of death, the current provisions of the *Crimes Act 1958* should also continue to apply.⁵⁷⁶

If the dog has not been registered as a restricted-breed dog, it would be open to the prosecuting authorities to lead evidence in court that the dog is of a restricted breed as part of any action under section 29. Whether or not the dog is of a restricted breed would then be a question for the court to decide as part of the case and to impose appropriate penalties as a result.

The underlying principle of these changes is that they would put the onus on the owner to identify the dog as being of a restricted-breed dog and to manage it accordingly. The potential consequences of not doing so would act as a disincentive.

Where there may be a dispute as to whether or not the dog is of a restricted breed, and that dog has attacked, bitten, rushed or chased, the court would decide the breed of the dog and not local councils. This would free council officers to focus on other techniques to reduce the risk of dog bite, especially encouraging responsible pet ownership.

⁵⁷⁵ *Domestic Animals Act 1994* s 10(3).

⁵⁷⁶ See the *Crimes Act 1958* ss 319B-C and Section 3.5.1 of this report.

RECOMMENDATION 23: That section 29 of the *Domestic Animals Act 1994* be amended so that, if a dog attacking, biting, rushing or chasing is of a restricted breed but has been registered as not a restricted-breed dog, the owner should be subject to greater penalties than if it were correctly registered.

RECOMMENDATION 24: That section 29 of the *Domestic Animals Act 1994* be amended so that, if a restricted-breed dog attacking, biting, rushing or chasing has not been kept in accordance with the provisions of Division 3B of Part 3 of the *Domestic Animals Act* (regardless of how the dog has been registered), the owner be subject to greater penalties than if it were kept in accordance with those provisions.

RECOMMENDATION 25: That the offences detailed in Recommendations 23 and 24 be decided by a court at the time of a prosecution for an offence under section 29 of the *Domestic Animals Act 1994* rather than by local council officers.

Towards responsible pet ownership

Whilst acknowledging the importance of responding to incidents, the Committee considers that a major focus for councils in dog management should be on education and encouraging responsible pet ownership (see Chapters 6 and 7 of this report). Such activities have the potential to prevent dog attacks from occurring and may be more effective at increasing public safety than focusing on breed.

The Committee notes that much work is already being done by the State Government and local councils on education and promoting responsible pet ownership. But the Committee believes that there is potential for much more work to be done. Ultimately, the Committee would like to see Victoria move towards a comprehensive responsible pet ownership approach across all councils.

Given the Victorian system, local councils would be responsible for implementing such an approach. It is therefore essential that they be adequately supported by the State Government, in terms of both expertise and finance.

9.6 Supporting local councils

9.6.1 State Government guidance

Current work

As noted previously, local councils carry most of the responsibility for implementing policies to reduce dog attacks. However, the Domestic Animals Unit (in the Department of Economic Development, Jobs, Transport and Resources) plays a key role in providing advice and training. This includes a dedicated Local Government Liaison Officer providing advice⁵⁷⁷ and regular training sessions run by the Unit. Recent topics for these sessions have included:

⁵⁷⁷ According to Department, this officer responds to 'approximately 40 plus calls and emails per week' (Department of Economic Development, Jobs, Transport and Resources 2015, p.2).

- canine anatomy and identification, including how to identify a restricted-breed dog
- workshops on Domestic Animal Management Plans
- training for officers wanting to deliver the Responsible Dog Ownership Course (see Section 6.4.1 of this report) (Department of Economic Development, Jobs, Transport and Resources 2015, p.2).

The Department states that client feedback consistently indicates that at least 80 per cent of attendees consider the training ‘very useful’ (Department of Economic Development, Jobs, Transport and Resources 2015, p.2).

The Unit also supplies councils with access to a password-protected website with resources and tools, including:

- *Maddocks Investigation Manual* – a legal guide to assist officers in defining and investigating nuisance offences under the Domestic Animals Act
- a *Guide to Domestic Animal Management* – a resource on how to interpret and apply the Domestic Animals Act
- a *Dog Attack Prevention Kit* – to assist councils in developing and implementing local dog-attack prevention campaigns
- a *Pet Registration Resource Kit* – to assist councils in promoting animal registration (Department of Economic Development, Jobs, Transport and Resources 2015, p.3).

The Unit also assists with the development of Domestic Animal Management Plans (see Section 3.3.1 of this report) and conducts research into various issues, including preventing dog attacks (Department of Economic Development, Jobs, Transport and Resources 2015, pp.3, 18).

Additional training

Several submissions indicated that council staff could benefit from more training on animal management generally and breed-specific legislation specifically.⁵⁷⁸ Speaking generally about Australia, the Australian Institute of Animal Management has noted a need for comprehensive training of all animal management officers on a variety of topics relating to dog aggression, including:

- (a) Causes of aggression
- (b) Types of aggression
- (c) Signs of aggression
- (d) Prevention of aggression

⁵⁷⁸ On the need for more and better training, see: Moira Shire Council, *Submission 31*, 3 July 2015; Stonnington City Council, *Submission 69*, 6 July 2015; Melton City Council, *Submission 118*, 9 July 2015; Casey City Council, *Submission 120*, 9 July 2015; Mitchell Shire Council, *Submission 165*, 10 July 2015; Ballarat City Council, *Submission 213*, 14 July 2015; Knox City Council, *Submission 216*, 17 July 2015. The lack of specific training on breed identification has also been criticised by the Municipal Association of Victoria (Municipal Association of Victoria, *Submission 194*, 10 July 2015).

- (e) OH&S [occupational health and safety] of AMOs [animal management officers] in the field
- (f) Fundamental concepts of dog owner obligations in risk minimisation
- (g) The relevance of dog restraint and confinement regulations
- (h) Investigating reported aggression incidents
- (i) Legislative obligations associated with the handling of reported dog aggression incidents. (Australian Institute of Animal Management 2013b, p.6)

In terms of this Inquiry, the Committee heard that the training on identifying breeds is not adequate. Some submitters argued that a one-day 'Canine Anatomy and Identification Training' course is not enough to understand the *Standard for Restricted Breed Dogs in Victoria*.⁵⁷⁹

It was also claimed that the training opportunities have been limited. Some councils indicated that attendance is often capped at two or three officers per council and is 'one-off' rather than ongoing.⁵⁸⁰ Mitchell Shire Council explained that:

Some training has been offered to all officers, others have restricted the numbers attending, which has caused frustration amongst the team, considering that the legislation places the burden of the decision to declare on 'an authorised officer', not specifically one trained officer within the team.⁵⁸¹

As noted by the Mitchell Shire Council, the Domestic Animals Act requires council officers to have undertaken approved training in order to declare a dog to be of a restricted breed.⁵⁸² This makes the lack of opportunities for training a problem for councils. The Casey City Council indicated that only five of its 16 animal management officers had been able to attend the training, limiting its ability to make restricted-breed dog declarations:

At that time when the training was being supplied councils were limited in the amount of officers they could supply or send to the training courses. The City of Casey had 16 such officers. We were limited to only sending two or three, and I managed to stretch that out to five so that we could get as many people as we can to be authorised or trained to a standard that can declare a dog as a restricted breed dog if the need arises.⁵⁸³

The Committee's recommendation that council officers no longer focus on declaring dogs to be of restricted breeds should eliminate the need for officers to undertake this training. In its place, the Committee recommends further training in how to identify potentially dangerous dogs and successful strategies

⁵⁷⁹ Moira Shire Council, *Submission 31*, 3 July 2015.

⁵⁸⁰ See for example, the submissions of the Casey City Council, *Submission 120*, 9 July 2015 and Mitchell Shire Council, *Submission 165*, 10 July 2015. Cf. also Knox City Council, *Submission 216*, 17 July 2015.

⁵⁸¹ Mitchell Shire Council, *Submission 165*, 10 July 2015.

⁵⁸² *Domestic Animals Act 1994* s 98A.

⁵⁸³ Mr Rod Bezanovic, Team Leader, Local Laws, Casey City Council, *Public Hearing*, 17 November 2015.

to encourage responsible pet ownership. The training on potentially dangerous dogs should focus on deed rather than breed and on the risk-factors identified in research as correlated with dog attacks (see Section 4.6 of this report).

RECOMMENDATION 26: That the Department of Economic Development, Jobs, Transport and Resources provide increased training to local council officers, particularly in relation to:

- (a) identifying potentially dangerous dogs (based on the individual dogs and identified risk factors rather than breed)
- (b) successful strategies to encourage responsible pet ownership, training, socialisation of dogs and animal welfare.

If, however, the Government chooses to continue requiring local council officers to declare dogs to be of restricted breeds, the Committee considers that more training opportunities should be made available. The Casey City Council suggested that the approved training could be incorporated into the industry-standard course for animal management officers – the Certificate IV in Animal Control and Regulation.⁵⁸⁴ The Government may wish to consider this as one way of increasing opportunities.

RECOMMENDATION 27: That, if the Government continues to require local council officers to declare dogs to be of restricted breeds, additional opportunities be provided for officers to complete the training required by section 98A(4) of the *Domestic Animals Act 1994*. The Department of Economic Development, Jobs, Transport and Resources might explore the possibility of incorporating this training into the Certificate IV in Animal Control and Regulation in order to make it more readily available.

9.6.2 A state-wide policy

As noted above, the Committee considers that a comprehensive responsible pet ownership approach should be rolled out across the State. Whilst many aspects of such an approach are already in place in some councils, the Committee notes that councils' approaches vary. Not all councils have the relevant expertise or knowledge to implement such an approach without guidance. The Committee therefore thinks that a shift to all councils adopting a responsible pet ownership approach needs to be led by the State Government.

The Committee also notes that this work may take a significant period of planning and considerable resourcing. Mr Ryan Jestin from the Calgary City Council, for example, suggested it would take at least two years to get 'buy in' to such a system.⁵⁸⁵

⁵⁸⁴ Supplement to Casey City Council, *Submission 120*, 9 July 2015.

⁵⁸⁵ Mr Ryan Jestin, Director, Animals and By-law Services, City of Calgary (Canada), *Public Hearing*, 18 November 2015.

A responsible pet ownership taskforce

A number of submitters to this Inquiry recommended the establishment of a unit at the State Government level to facilitate an increased responsible pet ownership approach. The paper by Bruce et al. that was submitted to the Inquiry recommended:

... the establishment of a taskforce of at least five full time equivalent, appropriately qualified, staff funded for a minimum of five years. Advice and other services from subject matter experts to support this group should be commissioned. This group should be tasked with:

- developing policy guidance to support government's direction in an education-first approach targeting voluntary compliance through education, subsidies and incentives
- amending legislation to reflect this policy direction, including repealing breed-based clauses
- reforming animal management services to enable pound prevention, pet retention and redemption outcomes to be achieved
- revising the criteria for approved organisations and qualified trainers
- establishing infrastructure and systems for data collection, monitoring, evaluation and reporting
- developing resources to support owners in being responsible guardians, and local government in on-ground delivery
- facilitation of collaboration and efficiencies between local government. (Bruce et al. 2015, p.22)⁵⁸⁶

The Barristers Animal Welfare Panel similarly stated that it:

... strongly recommends establishment of a State-wide specialised agency by way of a statutory authority staffed with persons of, in particular, animal behavioural training and insight. The task of such an agency would be to implement and oversee a State-wide Calgary-like program. If the Committee is resolved to implement a Calgary-like program, then it is unsatisfactory that the quality and rigour of its implementation will differ between municipalities according to the competing merits of administration and insight.⁵⁸⁷

The Barristers Animal Welfare Panel suggested that the agency have approximately 12 staff with insight into animal behaviour.⁵⁸⁸

The Committee agrees that a taskforce would provide important support to local councils in moving towards an approach more focused on responsible pet ownership. The taskforce should have relevant expertise to enable it to develop a policy at a State level for local councils to implement. It should also provide

⁵⁸⁶ See also the comments of Mr Brad Griggs at his public hearing (Mr Brad Griggs, owner and operator, Canine Services International, *Public Hearing*, 24 November 2015).

⁵⁸⁷ Barristers Animal Welfare Panel, *Submission 502*, 9 December 2015.

⁵⁸⁸ Barristers Animal Welfare Panel, *Submission 502*, 9 December 2015. The Panel also argues that the agency should be empowered to give directions to local councils and be independent of the 'Department of Agriculture'.

councils with the support that they need to implement the policy. The Domestic Animals Unit is the logical place for this taskforce to be located. However, the Committee considers that this work should not come at the cost of the work currently being undertaken by the Unit. The taskforce must therefore be funded through additional funding provided to the Unit and not from existing resources.

RECOMMENDATION 28: That additional funding be provided to the Domestic Animals Unit for the establishment of a taskforce to guide councils towards a more comprehensive responsible pet ownership approach to preventing dog attacks, providing training to owners and assessing owner suitability and history where relevant. The taskforce should develop a state-wide policy and guide local councils in implementing it. The Domestic Animals Unit's existing budget should not be used to fund the taskforce, nor should the existing budget be reduced as a result of the establishment of the taskforce.

A consultative committee

To assist with the development and implementation of this (and other policies regarding dog management), the Committee recommends the establishment of a consultative committee. The consultative committee would bring together State Government, local government and animal experts to discuss future and ongoing options.

In the USA, the American Society for the Prevention of Cruelty to Animals has recommended such a group to address the problems of dangerous and potentially dangerous dogs. The Society has noted that it:

... supports a community-based approach to resolving the reckless guardian/dangerous dog question whereby all stakeholders – animal control, animal shelters, medical and veterinary professionals, civic groups, teachers, public officials – collectively identify an appropriate dog bite prevention strategy. Central to this model is an “advisory council or task force representing a wide spectrum of community concerns and perspectives” whose members review available dog bite data, current laws, and “sources of ineffectiveness” and recommend realistic and enforceable policy, coupled with outreach to the media and educational efforts directed at those in regular contact with “dog owners and potential victims” (e.g., medical and veterinary professionals, animal control/shelters, teachers).⁵⁸⁹

In South Australia, a Dog and Cat Management Board has been established to undertake a variety of roles, including providing advice to State and local governments and overseeing the administration of the *Dog and Cat Management Act 1995*.⁵⁹⁰ Some members are nominated by the Local Government Association and some by the Minister, and the board is required to have expertise in local and state government administration, education, veterinary care, community health and other topics.⁵⁹¹

⁵⁸⁹ American Society for the Prevention of Cruelty to Animals, 'Position Statement on Breed Specific Legislation' <www.aspca.org/about-us/aspca-policy-and-position-statements/position-statement-breed-specific-legislation>, accessed 25 January 2016.

⁵⁹⁰ *Dog and Cat Management Act 1995* s 21.

⁵⁹¹ *Dog and Cat Management Act 1995* s 12.

In New South Wales, the Companion Animals Taskforce recommended the establishment of an ongoing reference group on dog and cat management issues, including policy and legislation. The Taskforce recommended including 'representation from across all sectors of the companion animal industry' (NSW Companion Animals Taskforce 2012, p.34). This recommendation was supported by the Government, which committed to establish a 'Responsible Pet Ownership Reference Group' and to refer a number of matters to it.⁵⁹²

The Committee believes that the establishment of a consultative committee in Victoria may assist with the development and implementation of successful policy. It may be particularly helpful in relation to moving Victorian councils towards a greater focus on responsible pet ownership, as this may be a difficult transition for some councils. It will be important to identify the challenges for councils and the support that they will need.

RECOMMENDATION 29: That a consultative committee be established to provide advice on dog management policy, including ways to encourage councils to adopt a responsible pet ownership approach to dog management. The committee should include representatives of local government, the State Government, veterinary and/or dog behaviour experts, animal welfare groups and community health.

9.6.3 Financial support

Education and other activities promoting responsible pet ownership all come at a cost. Local councils may make some savings by no longer seeking out restricted-breed dogs or defending declarations in court. In comparing regulation by breed and regulation by deed, Mitchell Shire Council indicated:

Regulation by breed is extremely challenging to the number of variables and unknowns associated with an exact breed of dog. Conversely, deed is much simpler to ascertain through relatively cost effective investigations.⁵⁹³

While some additional funding for responsible pet ownership may be available from money that would otherwise be spent on restricted-breed dogs, the Committee notes that not all councils have incurred substantial costs in this area. At any rate, savings from this source may not be sufficient to fund the full range of responsible pet ownership options that may be recommended in a State-wide policy.

In Section 6.5.2 of this report, the Committee discussed evidence from a number of councils about the difficulties funding education programs. The Australian Veterinary Association, speaking about Australia generally, has noted that:

Resourcing is often a major barrier to effective enforcement, and this problem needs to be addressed effectively to achieve tangible reductions in dog bite incidents. (Australian Veterinary Association 2012, p.15)

⁵⁹² NSW Government, 'Government Response to Companion Animals Taskforce Recommendations'.

⁵⁹³ Mitchell Shire Council, *Submission 165*, 10 July 2015.

The Brimbank City Council specifically called for 'Funding support to local government to expand existing programs in responsible pet ownership and teaching safety around dogs.'⁵⁹⁴

Overall, the Committee accepts that there is a need for more funding to be provided to local councils if they are to pursue responsible pet ownership strategies. The State Government should be the source of that additional funding. It is worth noting in this context that the State currently incurs costs as a result of dog attacks through medical treatments required in hospitals. The community also has a range of costs, from lost work time and medical bills to intangible costs, such as reduced feelings of safety. Strategies that reduce dog attacks will reduce these costs.

The Committee considers that, as part of developing a State-wide strategy, consideration should be given to how much additional funding should be provided to local councils to implement responsible pet ownership strategies and what the best way to provide this funding would be.

RECOMMENDATION 30: That the taskforce developing a State-wide policy for encouraging responsible pet ownership consider what additional funding local councils would require to successfully and consistently implement this policy and how that funding should be provided.

9.7 Other reforms

The Committee has noted a number of other areas for reform throughout this report. This includes removing the muzzling requirement for Greyhounds (see Section 5.3.3 of this report) and a review of the Domestic Animals Act as a whole (see Section 3.4 of this report).

Many other reforms were suggested as part of this Inquiry. The Committee notes two overall strategies that have been put forward – one by the Australian Veterinary Association and one by the Australian Institute of Animal Management. The Committee considers that there are elements in these strategies that may complement the approach recommended in this chapter.

9.7.1 The Australian Veterinary Association's model legislative framework

As noted a number of times throughout this report, the Australian Veterinary Association has developed a strategy to address 'the multiple complex causes of dog bites'. The strategy includes a model legislative framework which seeks to identify and control potentially dangerous dogs without breed-specific legislation (Australian Veterinary Association 2012).

⁵⁹⁴ Brimbank City Council, *Submission 214*, 15 July 2015.

In addition to the measures to deal with potentially dangerous dogs, the Association notes that 'a complete system of measures to support socially responsible pet ownership is essential to achieve a real reduction in dog bite incidents' (Australian Veterinary Association 2012, p.15). The Association indicates that such a system would include:

- Identification and registration of all dogs.
- A national reporting system with mandatory reporting of all dog bite incidents to the national database.
- Temperament testing to understand the risks and needs of individual animals, to help owners make more appropriate choices for their new pets, and to guide breeders to improve the temperament of puppies.
- Comprehensive education programs for pet owners, dog breeders, all parents and all children.
- Enforcement of all dog management regulations. Resourcing is often a major barrier to effective enforcement, and this problem needs to be addressed effectively to achieve tangible reductions in dog bite incidents. (Australian Veterinary Association 2012, p.15)

Representatives of various animal welfare organisations commended the Association's approach. Dr David Cunliffe from the Lost Dogs Home stated, for instance:

The AVA [Australian Veterinary Association] 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.⁵⁹⁵

Although the Committee does not agree with all aspects of the Australian Veterinary Association's policy and framework, a number of the recommendations in this report reflect the Australian Veterinary Association's suggestions. The Committee considers that the Association's framework should also be considered in the future development of policy and legislation.

9.7.2 A national strategy on dog aggression

The Australian Institute of Animal Management (among others) has recommended the development of a national strategy for managing dog aggression, which would be adopted by all states and territories. The reasons given for developing a national strategy are:

- **Interstate mobility** – Management of aggressive dogs has to allow for pet animal mobility throughout all Australia. Like all other pet animals, dogs with aggressive records will on occasions move from town to town and indeed from state to state. Declarations of dangerousness should apply wherever the dog subsequently goes, anywhere in Australia.
- **Clarity of responsibility** – Responsibilities of dog owners will have greater clarity in all communities throughout Australia if there is uniformity of policy and process. Public awareness programs will clearly be more cost-efficient if everyone is working to the same plan and using the same (best quality) public education resources.
- **Research and development** – The pathway to best practice in aggression management lies (before all else) in the competent interpretation of data gathered from the competent investigation of reported dog aggression incidents. This all depends on there being a coordinated national approach with an underpinning uniformity of policy and process. (Australian Institute of Animal Management 2013b, p.7)

The Institute argues that such a strategy should be supplemented by standardised state legislation with regard to dog aggression and standard operating procedures that, among other things:

- apply to the process of investigating and recording reported dog aggression incidents
- are used to categorise the level of dangerousness exhibited in each case (Australian Institute of Animal Management 2013b, p.5).

The Institute believes that standard procedures would assist with recording the right information, and would help with any subsequent actions, including managing the dog, police responses or medical investigations (Australian Institute of Animal Management 2013b, p.5).

⁵⁹⁵ Dr David Cunliffe, General Manager, Animal Welfare and Customer Service, Lost Dogs Home, *Public Hearing*, 17 November 2015.

The Committee considers that there may be benefits from a national approach. However, there are often practical difficulties associated with co-ordinating an approach across jurisdictions and such co-ordination can take time. While the Committee believes that work investigating a national approach should be undertaken, it emphasises that the development of Victorian policy should not be delayed waiting for a national strategy.

RECOMMENDATION 31: That the Government explore opportunities to develop a national strategy in relation to preventing dog attacks with a focus on owner suitability and history where appropriate.

The Institute also advocates a National Dangerous Dogs Database that includes standard data about every dog aggression incident throughout Australia. The Institute argues that this will allow ‘the identification of trends, benchmarks and remedial options’ and facilitate the development of evidence-based policy (Australian Institute of Animal Management 2013a, p.1). The Committee has discussed the idea of a national database in Section 8.4 of this report.

9.8 The need for continual re-assessment

As has been discussed in earlier chapters, a substantial amount of research into the causes of dog attacks and the strategies to reduce them has been undertaken. However, the results in many cases are unclear, including in relation to the risk associated with Pit Bulls. More research is being conducted and will be conducted in the future. Some of this research may change our understanding and it is therefore important for policy in this area to be regularly reviewed to ensure that it reflects the best available data.

The improvements to the collection of data about Victorian dog attacks recommended in Chapter 8 of this report also have the potential to change our understanding of the issues in Victoria and the effectiveness of future policies. It is important for the Government to monitor these data as well.

At the same time, the Committee notes that policy in this area should not be delayed pending future research. While advocating further research, Professor Coleman from the Animal Welfare Science Centre explained:

... I do not think that taking action is an all or nothing thing – that is to say, I do not see any reason why you cannot begin by taking what we know from the published literature and developing up an intervention pretty much straightaway. Then as the data becomes available, refining that to improve it. The more specific the data you have in relation to these outcomes, the better the effect. An airy kind of thing will have some effect. The more specific it is, the greater the effect.⁵⁹⁶

⁵⁹⁶ Professor Grahame Coleman, Animal Welfare Science Centre, University of Melbourne, *Public Hearing*, 18 November 2015.

9.9 A final word

The approach recommended by the Committee is underscored by three key objectives.

First, an absolute onus for dogs' behaviour should rest with owners or controllers, who should be held responsible for their dogs' actions and behaviour. People should be encouraged to be responsible pet owners and penalties should apply to people who fail to take responsibility. Penalties should particularly focus on people 'who knowingly keep dogs in disregard of public safety' (Bradley 2014, p.2) and people who repeatedly ignore their obligations despite being given opportunities to change. Where necessary, it is appropriate for dogs to be seized, removed and, in the last resort, euthanased. These options are available under the current provisions that apply to dangerous dogs and dog attack offences generally. Penalties are also appropriate in the case of restricted-breed dogs that are not kept according to the stringent conditions prescribed in the Domestic Animals Act and endorsed in this report.

Second, there needs to be a renewed and intensive focus on education strategies promoting responsible dog ownership and safe ways to interact with dogs. Such strategies need to reach children, owners and the general public. A key message for such strategies, as the Committee was informed many times during this Inquiry, is that *all* dogs have the potential to injure people. The obligations and expectations of dog owners should be clearly and consistently stated to facilitate them taking a responsible ownership approach.

Third, given that local councils have the primary responsibility for administering the Domestic Animals Act, they must be given support commensurate with this responsibility. Councils must have the means to pro-actively and effectively enforce provisions relating to registration, unconfined animals and potentially dangerous dogs. They need to be given training and guidance in the most effective ways to prevent dog attacks and to monitor the success of council programs. They need sufficient funding to undertake the necessary encouragement of owners to do the right thing and to educate the community.

These objectives underscore much of the Committee's reasoning in this report. It is the Committee's view that the recommendations made in this chapter and throughout the report will contribute to a safer and fairer system of dog control throughout Victoria.

Appendix 1

Terms of reference

On 26 May 2015 the Legislative Council agreed to the following motion:

Economy and Infrastructure Committee to inquire into, consider and report, no later than 31 March 2016, on the current legislative and administrative arrangements (regulatory framework) for restricted breed dogs in Victoria, including the benefits and challenges of the regulatory framework and, in particular, the Committee should —

1. review the current regulatory framework in Victoria, including the Domestic Animals Act 1994 (DAA), concerning restricted breed dogs and its effectiveness in achieving the purposes of the DAA, in particular —
 - a. responsible dog ownership
 - b. protection of the environment; and
 - c. protection of the community;
2. the review under (1) should —
 - a. holistically consider the entire current regulatory framework in the management of dogs;
 - b. include a review of —
 - i. data on dog attacks, including attacks involving humans, attacks involving other animals, breeds of dogs involved in attacks, and the nature of the injuries sustained;
 - ii. statistics on compliance with the regulatory framework;
 - iii. the science and current methods used to identify restricted breed dogs; and
 - iv. the responsible dog ownership program;
 - c. take into account any limitations in the data;
3. review and compare the effectiveness of historical (regulation by deed) and current (regulation by breed) legislative frameworks in Victoria for the management of restricted breed dogs and promotion of community safety;
4. review and compare the effectiveness of other current regulatory frameworks in other Australian and overseas jurisdictions and where relevant, the costs and funding models required to support these frameworks;
5. take submissions from interested persons that have had interaction with the current and previous regulatory frameworks, including —
 - a. local councils;

- b. veterinarians;
 - c. dog breed experts;
 - d. animal welfare organisations;
 - e. Victorian schools and kindergartens, antenatal hospitals and maternal child health centres, that have access to the free government education program;
 - f. victims of dog attacks;
 - g. dog owners; and
 - h. the medical profession;
6. review outcomes of other relevant reviews, coronial investigations and inquests in relation to deaths from dog attacks in Victoria under both the previous and current regulatory regimes, in particular, the Inquest into the death of 4 year old Ayen Chol;
 7. review civil and criminal case law in Victoria in relation to the current and previous regulatory frameworks for restricted breed dogs;
 8. make recommendations in relation to potential improvements or alternatives to the current regulatory framework for restricted breed dogs to better achieve the purpose and outcomes of the DAA, in particular, responsible dog ownership and protection of the environment and the community. These should include both responsive and preventative measures, such as improvements to controls and education programs;
 9. any recommendations should have regard to the costs of implementation of any proposed changes to the public, government and businesses.

Appendix 2

Submitters and witnesses

A2.1 Submissions

1. Craske family
2. Mark Deane-Smith
3. Linda Mitchell
4. Anja Kunicki
5. Vicki Curran
6. Cynthia Curran
7. Lawyers for Companion Animals
8. Irene Proebsting
9. Jennifer Miller
10. Casey Goble
11. Four Paws K9 Training
12. Laura Warland
13. Peter Freeman
14. Leah Eddy
15. Dr Belinda Oppenheimer
16. Cassandra Pollock
17. Angii Rotblat
18. Shelley Banks
19. National Animal Aid Society
20. Martin Scerri
21. Owen Gardner
22. Dawn-Joy Leong
23. Danielle Bell
24. Estella Newcombe
25. Saimone Oliver
26. Veterinary Practitioners Registration Board of Victoria
27. Susan Tofful
28. Lucy Chesser
29. Stella Berthet
30. GREY2K USA Worldwide
31. Moira Shire Council
32. James Lyons
33. Broc Casey
34. Susan Buckland
35. Sylvia Cooper
36. Greyhound Equality Society
37. Amy Cope
38. Sandra Duffy
39. Murrindindi Shire Council
40. Allison Browning
41. Shan Welham
42. Mary McMahon
43. Dr Eileen Davies
44. Caroline Haigh
45. Mia Shaw
46. Monique Dorey
47. Sue Brooks
48. Darren Agius
49. Vivien Smith
50. Annie Simmons
51. Gabrielle Tarr
52. Jayne Thompson
53. Jason Mangila
54. Kim Druve
55. Rose Elizabeth
56. Victoria Sublette
57. Hamish Blunck
58. Nicole Richardson
59. Susannah Wilson
60. Moira Ferres
61. Pat Rich
62. Dr Barbara Trytko
63. Samantha Jackson
64. Julie Wilson
65. Terry Breen
66. German Shepherd Dog Club of Victoria Inc.
67. Lior
68. Jane Harvey
69. Stonnington City Council
70. Laura Heliman
71. Mary Delaney
72. Louise Stapleton Frappell
73. Greyhound Safety Net Inc.
74. Toni Simpson
75. Christine Jones
76. Emma Hales
77. Jane Bennett
78. Ashleigh Moody
79. Lisa Magro
80. Wodonga City Council
81. Tom Laing
82. Tracey Laing
83. Margaret Laing
84. Lyndal Tabone

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|------|-------------------------------------|------|--|
| 85. | Andrea Firehock | 140. | David Cooper |
| 86. | Central Goldfields Shire Council | 141. | Kate Saran |
| 87. | Justin Rudge | 142. | Sue Lugg |
| 88. | Linda Finch | 143. | Shelley Revell |
| 89. | Rosalyn Abbott | 144. | Greyhound Rescue Victoria |
| 90. | Amanda Calland | 145. | Shae Burford |
| 91. | Tiffany Story | 146. | Jane Nicolle |
| 92. | Adriana O'Bryan | 147. | Debra Talbot |
| 93. | Jason Oliver | 148. | Julie Carr |
| 94. | Jo Haythornthwaite | 149. | Briahna Love |
| 95. | Brent Dry | 150. | Danielle Herrera |
| 96. | Kathryn White | 151. | Fiona Sainsbury |
| 97. | Jody Smith | 152. | Karen Heitzmann |
| 98. | Emma Turner | 153. | Justin Rexter |
| 99. | James Annabel | 154. | Jan Edwards |
| 100. | Melanie Sweeney | 155. | Linda Petrovski |
| 102. | Dr Eiman Al Raheb | 156. | Lee O'Mahoney |
| 103. | Judy Young | 157. | Helen Cole |
| 104. | Margaret Jacobs | 159. | Deborah Mackenzie |
| 105. | Brett Melke | 160. | Katrina Beard |
| 106. | Eve Stocker | 161. | Pippin Rigby-Day |
| 107. | Dogs on Trial Victoria | 162. | Paul Connley |
| 108. | Kelvin Clarke | 163. | Grant Godbold |
| 109. | Danielle Sanders | 164. | Spiros Karamoutzos |
| 110. | Selena Nicholson | 165. | Mitchell Shire Council |
| 111. | Jill McGrath-Berra | 166. | The Veterinary Institute for Animal Ethics |
| 112. | Kathleen Rodgers | 167. | Project P.A.W.S. Inc. |
| 113. | Julie Smith | 168. | Natalie Phillips |
| 114. | Cassandra Ware | 169. | Kellie Nissen |
| 115. | Sharon Mudford | 170. | Daniel Jones |
| 116. | Mark Gove | 171. | Roseanne Phillips |
| 117. | AMA Victoria | 172. | Rebecca Patterson |
| 118. | Melton City Council | 173. | Tara Laursen |
| 119. | Luljeta Ali | 174. | Kareina Day |
| 120. | Casey City Council | 175. | Kate Morris |
| 121. | Helen Learmonth | 176. | Melanie Isaacs |
| 122. | Golden Plains Shire Council | 177. | Diana Rayment |
| 123. | Sandra Macdonald | 178. | Loddon Shire City Council |
| 124. | Elizabeth Pattinson | 179. | Animal Welfare Science Centre, The University of Melbourne |
| 125. | Greyhound Racing Victoria | 180. | Animal Liberation Queensland |
| 126. | Nicole Burrows | 181. | Arlyne Anton |
| 127. | Kathy Longley | 182. | Jen Kolevich |
| 128. | Kris Tokatlidis | 183. | Animals Australia |
| 129. | Christine Targrass | 184. | Whittlesea City Council |
| 130. | Amy Johannsohn | 185. | Megan Liddicoat |
| 131. | DOGS Victoria | 186. | Shannon Young |
| 132. | Linda Barrett | 187. | The Lost Dogs Home |
| 133. | Sandy Moore | 188. | National Animal Rescue Groups Australia |
| 134. | Elizabeth Hepburn | 189. | Martina Best |
| 135. | Steven De Pater | 190. | National Animal Rescue Groups Australia |
| 136. | Claire Bridgman | 191. | Susie Header |
| 137. | Alaskan Malamute Club Victoria Inc. | | |
| 138. | Samantha Symobs | | |
| 139. | Karina Haldane | | |

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| 192. | Bendigo Animal Welfare and Community Services | 251. | Sarah Tasker |
| 193. | Kathleen Zini | 252. | Angela Edwards |
| 194. | Municipal Association of Victoria | 253. | Daniel Booth |
| 195. | Michael Faltermaier | 254. | Emma Benedetti |
| 198. | Michelle Rassool | 255. | Sheridan Kendall |
| 199. | Saskia Wells | 256. | Geoff Davidson |
| 200. | Celestina Giuliano | 257. | Linda Franco |
| 201. | Northern Grampians Shire Council | 258. | John Zolis |
| 202. | BADRAP.org | 259. | Toni Simpson |
| 203. | Jennifer Jackson | 260. | Cherene Downes |
| 204. | Yolande Nelson | 261. | Roxanne Judd |
| 205. | Gillian Orsetti | 262. | Tara Caton |
| 206. | Geoffrey Nelson | 263. | Elizabeth Payne |
| 209. | Jehni Thomas-Wurth | 264. | Amanda Nalen |
| 210. | Darebin City Council | 265. | Alison Denman |
| 212. | Linda Watson | 266. | Jodie Cherry |
| 213. | Ballarat City Council | 267. | Anne Pirie |
| 214. | Brimbank City Council | 268. | Laurie Jean Wilson |
| 215. | Lord Paul Weaver | 269. | Natalie Love |
| 216. | Knox City Council | 270. | Simon Blight |
| 217. | Canine Welfare Alliance of Australia | 271. | Melissa Donald |
| 218. | Grey2K USA Education Fund | 272. | Adrienne and Timothy Oaks |
| 219. | East Gippsland Shire Council | 273. | Leah Young |
| 220. | Melbourne City Council | 274. | Summer DeRoche |
| 221. | Wangaratta Rural City Council | 275. | Phil Ward |
| 222. | Bob Yeo | 276. | Eileen Fletcher |
| 223. | Whitehorse City Council | 277. | Helen Gill |
| 224. | Tamara Bottomley | 278. | Cate Taylor |
| 225. | Dianne Shuwalow | 279. | Julie Dallaway |
| 226. | Dr Desmond Fegan | 280. | Judith Yeomans |
| 227. | Allysha Taylor | 281. | Susan Cooper |
| 228. | Kerrin Uytendaal | 282. | Gavin Love |
| 229. | Moyne Shire Council | 283. | Natalia Brennan |
| 230. | Benalla Rural City Council | 284. | Cassandra Vinci |
| 231. | Greater Bendigo City Council | 285. | Jennifer Ronan |
| 232. | Moonee Valley City Council | 286. | Irene Wright |
| 233. | Mornington Peninsula Shire Council | 287. | Maureen Whitaker |
| 234. | Frankston City Council | 288. | Brandi Galpin |
| 235. | Colac Otway Shire Council | 289. | Gareth Timmins |
| 236. | Campaspe Shire Council | 290. | Donna Timmins |
| 237. | Wyndham City Council | 291. | Kathryn Gill |
| 239. | Hume City Council | 292. | Clare Hogan |
| 240. | Maree Harrison | 293. | Antoinette Walker |
| 241. | Wellington Shire Council | 294. | Friends of the Hound Inc. |
| 242. | Greater Geelong City Council | 295. | Julie McHenry |
| 243. | Eleanor Osborne | 296. | Taryn Haynes |
| 244. | Jena Falconi | 297. | Bronwyn Bettello |
| 245. | Lisa Magro | 298. | Janneke Blijlevens |
| 246. | Trish Gallardo | 299. | Michelle Edwards |
| 247. | Cherokee Walbey | 300. | Jodi Smith |
| 248. | Val Lui | 301. | Lauren Bradford |
| 249. | Nola Pettett | 302. | Katie Kripp |
| 250. | Brooke Halliwell | 303. | Robyn Grove |
| | | 304. | Paige Stokes |

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|------|----------------------------------|------|---------------------------|
| 305. | Emily Pittendrigh and Brad McNay | 360. | Gloria Picchetti |
| 306. | June Dryburgh | 361. | Janis Mock-Jones |
| 307. | Pauline and Christy Harbaugh | 362. | Bunny and Joseph Stuart |
| 308. | Tiffany Dryburgh | 363. | Radko Vacek |
| 309. | Genevieve Martin | 364. | Patricia Duhon |
| 310. | Kylie Rowley | 365. | Theodore Johns |
| 311. | Jessica Winstone | 366. | Gail Gray |
| 312. | Margie Edmonds | 367. | Mary Leon |
| 313. | Jo Vraca | 368. | Blair and Barbara Klepper |
| 314. | Emily McDonald | 369. | Michel Hyman |
| 315. | Susie Cooper | 370. | Donna Combe |
| 316. | Brenden Cooper | 371. | Mary Burnham |
| 317. | Rebecca McGill | 372. | Janet Gillman |
| 319. | Margaret McKenzie | 373. | Jean Heffernan |
| 320. | Rosemary Wilkinson | 374. | Dr Denise Reeves |
| 321. | David Larter | 375. | Joanne Cashman |
| 322. | Louise Scerri | 376. | Kim Scott |
| 323. | Amanda Robbmond | 377. | Gaynell Stull |
| 324. | Lynne Cooper | 378. | Chris Cranston |
| 325. | Sharon Horne | 379. | Nick Anthony |
| 326. | Helen Louise Taylor | 380. | Christine Resch |
| 327. | Jade Hearne | 381. | Miel Roman |
| 328. | Tamara Ellis | 382. | Jessica Zalaznick |
| 329. | Anne Douglass | 383. | Elaine Nazzaro |
| 330. | Cherie Marian | 384. | Pam Bolton |
| 331. | Dr Linda Marston | 385. | Alain Thomas |
| 332. | Sue Aldrich | 386. | Wendy Fuchs |
| 333. | Victoria Dumble | 387. | Ruth Tara |
| 334. | Debra Ulrich | 388. | Stephanie Stankiewicz |
| 335. | Mari Mennel-Bell | 389. | John Emmanuel |
| 336. | Judy Greenfield | 390. | Deborah Coviello |
| 337. | Katherine Trimm | 391. | Rebecca Ruge |
| 338. | Bev Starr | 392. | Linda Boone |
| 339. | David Campbell | 393. | Donna Hinze |
| 340. | Carol Collins | 394. | Sue Porter |
| 341. | Hind Samy | 395. | Derek Marshall |
| 342. | Lorna Kircher | 396. | Phyllis Charnoff |
| 343. | Suzanne Willis | 397. | Ayten Nadeau |
| 344. | Fred and Margarita Clayton | 398. | Barbara Dunson |
| 345. | Anna Damico | 399. | Renae McKeon |
| 346. | Emily Smith | 400. | Karen Stanley |
| 347. | Cynthia Campbell | 401. | Linda Puskar |
| 348. | Lawrence Frey | 402. | Barbara Hicks |
| 349. | Steve and Ava Better | 403. | Wendy Teets |
| 350. | Dr Arthur Hoyt, Jr. | 404. | Carly van Heerden |
| 351. | Jean Berman | 405. | Noel Crim |
| 352. | Diane Luck | 406. | Lynne Rosenfield |
| 353. | Kathleen Corby | 407. | Sybinta Saunders |
| 354. | Marie Wakefield | 408. | Prudence Brooks |
| 355. | Susie Ngamsuwan | 409. | Greg Rosas |
| 356. | Georgeanne Matranga | 410. | Peter Collins |
| 357. | Ingrid and Wayne Sanborn | 411. | Maureen Edwards |
| 358. | Ilka Fink | 412. | Jamie Polczynski |
| 359. | Sylvia Zade-Routier | 413. | Carroll Trevor |

414. C. H. Harris
 415. Irene Martin
 416. Zoe Lethbridge
 417. Michèle Wallenborn
 418. Paul Moss
 419. Janis Fabok
 420. Leslie Beswick
 421. Holly Pearson
 422. Katharine Hendrickson
 423. John Hartless
 424. Amy Griffin
 425. Lisa Hood
 426. Michelle Lane
 427. Janet Redfern
 428. Deborah Poust
 429. Dirk Rogers
 430. Diana Tomkins
 431. Wilma Maiocchi
 432. Kimberly Gilbertson
 433. Jane Long
 434. Whitney Walters
 435. Faith Gabel
 436. Shireen Green
 437. Arwen Weiss
 438. Leslie Chain
 439. Emil and Monika Zuckermann
 440. Sandra Murphy
 441. Nancy Rittenhouse
 442. Joan Milano
 443. Lin Bernhardt
 444. Robert H. Lipsky and Ann M. Marini
 445. Scott Logan
 446. Pasquale and Penny Marra
 447. Toni Mabry
 448. Kenneth Fisher
 449. Lisa Brencis
 450. Barbara Glaze
 451. Bree Pugh
 452. Jared Brenner
 453. Carol Ohlendorf
 454. Nicole Fountain
 455. Aggie Monfette
 456. Paula Blanchard
 457. Jennifer Jordan
 458. Pamela Miller
 459. Catherine Anderson
 460. Rosy Morales
 461. Tara Williams
 462. Matthew Gebhardt
 463. Dawn Case
 464. Janet Peek-Deleuse
 465. Hazel Smith
 466. Karen Vaughan
 467. Dirk Danschutter
 468. Susan Cochran
 469. Marian Gill
 470. Elizabeth Murphy
 471. Deneen Tokich
 472. Boroondara City Council
 473. Mildura Rural City Council
 474. Lisa Warden
 475. Diane Kelly
 476. Jeanne Kataoka
 477. David and Rita Cross
 478. Amy Lagrone
 479. Rebecca Page
 480. Carolyn Villanova
 481. Edward Cubero
 482. Paulie Moore
 483. Mellissa Long
 484. Keith Lewis
 485. Robert Sanchez
 486. Dominique Holy
 487. Rachel Taylor
 488. Peter Abbey
 489. Royal Society for the Prevention of Cruelty to Animals (Victoria)
 490. Bayside City Council
 491. Amy Marder
492. Pro Forma A
493. Pro Forma B
494. Pro Forma C
495. Pro Forma D
 496. Rebecca Skinner
 497. Maggie Koumi
 498. Jessica Smyth
 499. Australian Veterinary Association (Victoria Division)
 500. Naserah Khan
 501. Bonnie Norton
 502. Barristers Animal Welfare Panel
- Submissions - Pro Forma A**
1. Chris Martin
 2. Amanda Dodds
 3. Adam Cianflone
 4. Joanna Wings
 5. Kirstie Scicluna
 6. Rebecca Crowley
 7. Megan van Doorn
 8. Lisa Wray
 9. Alisha De Leede-Smith
 10. Fallon McClelland
 11. Jenni Burt
 12. Jade Vriend
 13. Karen Fredrickson
 14. Trina Angus
 15. Marcia Davey

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|-----|-----------------------|------|---------------------|
| 16. | Eileen Kernohan | 70. | Tamika Curran |
| 17. | Simone Lieschke | 71. | Wai Sum Ng |
| 18. | Nicole Cowen | 72. | Briar Sutherland |
| 19. | Liz Harding | 73. | Lisa Caines |
| 20. | Michele Nimmo | 74. | Andrew Wood |
| 21. | Trish Parker | 75. | Steve Duff |
| 22. | Kylie Bright | 76. | Mazine Fullinfaw |
| 23. | Stephanie Lemmon | 77. | Sherrill Cook |
| 24. | Anda Petrap | 78. | Mark Bond |
| 25. | Tracy Engwirda | 79. | Debbie Charters |
| 26. | Verena Kostadinov | 80. | Tarsha Andrews |
| 27. | Elita Frazer | 81. | Phil Charters |
| 28. | Leah Malloch | 82. | Eleanor Spratt |
| 29. | Glenys Drayton | 83. | Brydie Charlesworth |
| 30. | Martha Lord | 84. | Stephanie Kallis |
| 31. | Darren Eldred | 85. | Katherine Mansill |
| 32. | Natasha Prolisko | 86. | Tania Braggins |
| 33. | Krista Malloch | 87. | Angela Campbell |
| 34. | Veronica Krzysztan | 88. | Lysa Kiely |
| 35. | Clare Balmer | 89. | Mary Riddell |
| 36. | Tommasina Burgo | 90. | Damian Fletcher |
| 37. | Jeremy Medlock | 91. | Kim Jackson |
| 38. | Chantelle Vibert | 92. | Barbara Colliver |
| 39. | Thomas Connors | 93. | Kylie Jahshan |
| 40. | Terri Ryan Shannon | 94. | Colleen Moloney |
| 41. | Nicole Wright | 95. | Carly O'Neill |
| 42. | Vanessa Ciano | 96. | Lyndsey Anic |
| 43. | Catherine McGillivray | 97. | Shara Bryant |
| 44. | Joanne Buttner | 98. | Sharon Palmer |
| 45. | Thomas Whelan | 99. | Tess Sard |
| 46. | Anne Ferguson | 100. | Sarah-Jane Miles |
| 47. | Elizabeth Cameron | 101. | Fleur Wallace |
| 48. | Stephanie Lou | 102. | Matthew Jonnes |
| 49. | Shawna McLarty | | |
| 50. | Yvonne Hong | | |
| 51. | Judi Buchan | | |
| 52. | Maria Bertoncini | | |
| 53. | Michelle Tate | | |
| 54. | Phil Triantafillou | | |
| 55. | Jade Cretella | | |
| 56. | Rochelle Cornelius | | |
| 57. | Kim Mabbott | | |
| 58. | Saskia Adams | | |
| 59. | Tash Taylor | | |
| 60. | Paula Cochrane | | |
| 61. | Naserah Khan | | |
| 62. | Karina Micheli | | |
| 63. | Lana Venckus | | |
| 64. | Tenille Evans | | |
| 65. | Susan Trask | | |
| 66. | Lauren Hoyle | | |
| 67. | Deborah McWhae | | |
| 68. | Rachael Dols | | |
| 69. | James Duncan | | |

Submissions – Pro Forma B

1. Jelica Sanjnovic
2. Naomi Nash
3. Yumi Burnett
4. Janet Scott
5. Jo Boaler
6. Paul Hadden
7. Bronwyn Larcombe
8. Chad Croft
9. Lior Mileikowski
10. Yu Lai Shen
11. Tim Collins
12. Andrew Nicol
13. Nicholas Smith

Submissions – Pro Forma C

1. Terry Holt
2. Michele Nimmo
3. Marshall Cowley
4. Helen Hone
5. Sarah Givens
6. Petra Thompson
7. Briar Sutherland

8. Andrew Creek
9. Laura Taft
10. Elizabeth Kruze

Submissions – Pro Forma D

1. Luljeta Ali
2. Rabie Ali
3. Dylan Bushnell

A2.1 Public Hearings**Tuesday, 20 October 2015**

- Mr Bill Bruce, former Director of Animal Services, City of Calgary (Canada)
- Ms Linda Watson

Wednesday, 21 October 2015**Knox City Council**

- Mr Steven Dickson, Manager, City Safety and Health
- Ms Maria Macri, Coordinator, Prosecutions

Tuesday, 10 November 2015**Australian Veterinary Association (Victorian division)**

- Dr Paul Martin, President
- Dr Susan Maastricht, Committee Member and Past President

DOGS Victoria

- Ms Terri MacDonald, Member
- Ms Marilyn Adams, Chair, Canine Welfare Committee

Royal Society for the Prevention of Cruelty to Animals (Victoria)

- Dr Liz Walker, Chief Executive Officer
- Ms Mhairi Roberts, Animal Welfare Policy Manager

Tuesday, 17 November 2015**Casey City Council**

- Ms Caroline Bell, Manager, Community Safety
- Mr Rod Bezanovic, Team Leader, Local Laws
- Mr Daniel Dyson, Local Laws Officer

Mitchell Shire Council

- Ms Elke Tapley, Community Compliance Coordinator

- Mr Julian Edwards, Planning and Compliance Manager

Lost Dogs Home

- Ms Kerry Thompson, Chief Executive Officer
- Dr Alan Bolton, General Manager, Veterinary Services
- Dr David Cunliffe, General Manager, Animal Welfare and Customer Service

Melke Legal

- Mr Brett Melke, Principal Lawyer

Municipal Association of Victoria

- Mr Rob Spence, Chief Executive Officer
- Ms Claire Dunn, Manager, Environment and Regulatory Services

Melbourne City Council

- Mr Dean Robertson, Program Manager Compliance
- Ms Rachel Lauritz, Animal Management Coordinator

Wednesday, 18 November 2015

Animals Australia

- Ms Glenys Oogjes, Executive Director
- Ms Shatha Hamade, Legal Counsel

Greyhound Equality Society

- Dr Sonya Kassenboehmer, President
- Ms Jennifer Davis, Vice-President
- Dr John Haisken-DeNew, Secretary

Animal Welfare Science Centre, The University of Melbourne

- Professor Grahame Coleman
- Dr Robert Holmes

City of Calgary (Canada) (via video conference)

- Mr Ryan Jestin, Director, Animals and By-law Services

Tuesday, 24 November 2015

Canine Services International

- Mr Brad Griggs, owner and operator

Appendix 3

Statistics on dog-related injuries in Victoria

All data were supplied to the Committee by Monash University's Victorian Injury Surveillance Unit. The data were extracted from the Victorian Admitted Episodes Dataset and Victorian Emergency Minimum Dataset.

Table A3.1 Dog bites

	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
Hospital admissions	342	347	336	329	378	389	406	376	472	521	588	758	765	697	770
Emergency department presentations ^(a)						1,724	1,683	1,729	1,713	1,684	1,604	1,732	1,504	1,695	

(a) Only includes 24-hour emergency departments in public hospitals. Excludes people subsequently admitted. Excludes Bass Coast Hospital.

Table A3.2 Dog impacts^(a)

	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
Hospital admissions	41	27	33	30	35	45	32	55	52	72	66	66
Emergency department presentations ^(b)										146	140	160

(a) Such as being struck, knocked over or jumped on by a dog.

(b) Only includes 24-hour emergency departments in public hospitals. Excludes people subsequently admitted.

Appendix 4

Key aspects of dog control legislation in other states and territories

A4.1 Queensland – *Animal Management (Cats and Dogs) Act 2008*

Queensland’s dog control act includes specific provisions related to what are referred to as ‘regulated dogs’. There are three types of regulated dog:

- restricted dogs (those breeds banned from import by Commonwealth customs regulations – see Section 3.2 of this report)
- declared dangerous dogs
- declared menacing dogs.

Queensland’s act has arguably the most articulated philosophy on dog control and management of all Australian jurisdictions. Under section 59(1) of the Act, the stated purpose of the regulated dog provisions is to:

- (a) protect the community from damage or injury, or risk of damage or injury, from particular types of dogs called ‘regulated dogs’; and
- (b) ensure the dogs are –
 - (i) not a risk to community health or safety; and
 - (ii) controlled and kept in a way consistent with community expectations and the rights of individuals.⁵⁹⁷

It is further stated that these purposes are to be achieved primarily by:

- (a) providing for local governments to declare dogs to be dangerous dogs, menacing dogs or restricted dogs;
- (b) providing for the compulsory desexing of declared dangerous dogs and restricted dogs;
- (c) providing for identification of dogs as regulated dogs;
- (d) providing for permits for restricted dogs;
- (e) imposing conditions on keeping, and requirements for the control of, regulated dogs;
- (f) allowing authorised persons to seize or destroy dogs in particular circumstances;

⁵⁹⁷ *Animal Management (Cats and Dogs) Act 2008* s 59(1).

- (g) providing for local governments to administer, and be responsible for, the matters mentioned in paragraphs (a) to (f).⁵⁹⁸

The Queensland Government has stated that the regulated dog provisions were introduced to create a more uniform system of dog control across the state:

Previously dangerous dogs were managed by individual local governments under their local laws. The conditions applicable to a dog declared dangerous by each local law varied considerably.

Inconsistencies in the regime resulted in a lack of reciprocity of dangerous dog declarations. Anecdotal evidence suggests that some owners of dogs declared dangerous under one set of local laws simply relocated to another local government jurisdiction to avoid the responsibilities and obligations of the declaration. This was clearly an unsatisfactory community health and safety outcome.⁵⁹⁹

A person must not own or be responsible for a restricted dog unless the relevant local council has issued a permit.⁶⁰⁰ Permits are issued for particular places where the dog will be kept and may only be issued if there is a detached house and somebody usually lives in the house.⁶⁰¹

An owner is required to declare whether or not their dog is a restricted dog when registering.⁶⁰² A council can also declare a particular dog to be a restricted dog if it is satisfied that the dog is of one of the restricted breeds.⁶⁰³ The council must give the owner of the dog a 'proposed declaration notice'. The owner has 14 days to make written representations as to why the proposed declaration should not be made, which may include a veterinarian's assessment of the dog's breed, or other evidence that the dog is not of a restricted breed.⁶⁰⁴ Queensland's legislation specifically states that American Staffordshire Terriers are not Pit Bulls.⁶⁰⁵

Council decisions to refuse a permit or to declare a dog to be of a restricted breed are subject to an internal review by the council in the first instance, with a right to appeal to the Queensland Civil and Administrative Tribunal.⁶⁰⁶

Individual councils can also choose to ban certain breeds and cross-breeds outright.⁶⁰⁷

An authorised local government officer can declare a dog to be dangerous or menacing if:

- it has attacked a person or animal

598 *Animal Management (Cats and Dogs) Act 2008* s 59(2).

599 Department of Local Government and Planning (Queensland) 2012, p.2.

600 *Animal Management (Cats and Dogs) Act 2008* s 71.

601 *Animal Management (Cats and Dogs) Act 2008* s 72.

602 *Animal Management (Cats and Dogs) Act 2008* s 47.

603 *Animal Management (Cats and Dogs) Act 2008* s 89.

604 *Animal Management (Cats and Dogs) Act 2008* ss 63A & 90.

605 *Animal Management (Cats and Dogs) Act 2008* s 63A(3).

606 *Animal Management (Cats and Dogs) Act 2008* ss 180-9.

607 *Animal Management (Cats and Dogs) Act 2008* ss 6 & 71.

- it has caused fear to a person or animal
- an authorised person considers the dog may attack or act in a way that causes fear to a person or animal.⁶⁰⁸

All restricted, declared dangerous and declared menacing dogs must be microchipped, wear a tag indicating that they are a regulated dog, be kept in an enclosure with a sign displayed, and be muzzled and leashed when in public.⁶⁰⁹ Restricted dogs must be de-sexed, may not be allowed to breed and may not be transferred to another person except in particular circumstances.⁶¹⁰

If an owner or controller of a regulated dog contravenes any of these conditions, a council officer may give them a compliance notice, requiring them to stop committing the offence or requiring them to take stated action. Failure to comply with the notice can result in a fine of up to 75 penalty units (currently \$8,835).⁶¹¹

A4.2 New South Wales – *Companion Animals Act 1998*

Under the New South Wales legislation, ‘restricted dogs’ are primarily those that are banned from importation under the Commonwealth Customs Act regulations (see Section 3.2 of this report). Of note however, and unique to New South Wales, a restricted dog may also be ‘any dog declared by an authorised officer of a council, under the Companion Animals Act 1998, to be a restricted dog’.⁶¹² Cross-breeds can also be declared restricted dogs.⁶¹³

A council officer must make a ‘notice of intention’ in writing before declaring a dog to be restricted.⁶¹⁴ Owners who disagree with the proposed declaration can request a breed assessment (from a registered assessor) that their dog is not of a restricted breed. If the assessor certifies that the dog is *not* of a restricted breed or a cross-breed of a restricted breed within 28 days, the council cannot make a restricted dog declaration for that dog.⁶¹⁵ If the dog is a cross-breed of a restricted breed, the owner may request a temperament assessment from an approved assessor. If the assessment finds that the dog is not a danger to the public, the council cannot make a declaration.⁶¹⁶

⁶⁰⁸ *Animal Management (Cats and Dogs) Act 2008* s 89.

⁶⁰⁹ *Animal Management (Cats and Dogs) Act 2008*, Schedule 1 & s 64; *Animal Management (Cats and Dogs) Regulation 2009* s 6.

⁶¹⁰ *Animal Management (Cats and Dogs) Act 2008* ss 66, 69 & 70.

⁶¹¹ *Animal Management (Cats and Dogs) Act 2008* ss 132-4.

⁶¹² *Companion Animals Act 1998* s 55.

⁶¹³ *Companion Animals Act 1998* s 58A.

⁶¹⁴ *Companion Animals Act 1998* s 58A.

⁶¹⁵ *Companion Animals Act 1998* s 58C.

⁶¹⁶ *Companion Animals Act 1998* s 58C.

If the owner does not provide evidence that the dog is not a restricted breed (or, in the case of cross-breeds, that it is not a danger) within 28 days, the council can make a restricted dog declaration.⁶¹⁷ There are no appeal provisions against the declaration,⁶¹⁸ though a council can revoke a decision.⁶¹⁹

In addition to restricted breeds, dogs of any type may be declared *dangerous* or *menacing*.

There are a number of stringent conditions associated with keeping both restricted and dangerous dogs. The dogs must be de-sexed, microchipped, registered and wear a distinctive collar. They must be kept inside a secure enclosure at home, with warning signs on the property. In public, they must be muzzled and on a leash. Restricted and dangerous dogs cannot be owned by, or left in the care of, anyone under the age of 18 years.⁶²⁰

Penalty provisions for offences under the Act are usually greater in cases where the dog is of a restricted breed.⁶²¹ An additional penalty applies if a restricted, dangerous or menacing dog attacks a person and the owner has not complied with the appropriate restrictions.⁶²²

Declared menacing dogs must comply with the same control requirements as restricted and dangerous dogs outlined above, with one exception – menacing dogs do not need to be kept in a purpose-built enclosure at home if they are under the control of an adult.⁶²³ There is also a separate category of ‘nuisance dogs’ for dogs that cause lesser problems (such as being habitually at large, persistent barking, chasing people or repeatedly defecating on other people’s property). Nuisance dog orders specify particular behaviours that an owner must prevent from occurring and remain in force for six months.⁶²⁴

It is also illegal to sell a restricted, dangerous or menacing dog or accept ownership of such a dog.⁶²⁵ It is illegal to breed a restricted dog or advertise one for the purposes of breeding.⁶²⁶

If an owner does not comply with any of the requirements on keeping a restricted dog an authorised council officer may seize and ultimately destroy the dog.⁶²⁷ A council may revoke a dangerous or menacing declaration after 12 months.⁶²⁸

Further discussion on the New South Wales legislation is found in Section 3.8.1 of this report.

⁶¹⁷ *Companion Animals Act 1998* ss 58C & 58D.

⁶¹⁸ *Companion Animals Act 1998* s 58D. There remain, however, rights to appeal against destruction orders or other penalties.

⁶¹⁹ *Companion Animals Act 1998* s 58D.

⁶²⁰ *Companion Animals Act 1998* ss 51 & 56.

⁶²¹ See especially *Companion Animals Act 1998* s 16.

⁶²² *Companion Animals Act 1998* s 16(1A).

⁶²³ *Companion Animals Act 1998* s 51.

⁶²⁴ *Companion Animals Act 1998* s 32A.

⁶²⁵ *Companion Animals Act 1998* ss 52A, 52B, 57A & 57 B.

⁶²⁶ *Companion Animals Act 1998* s 57C.

⁶²⁷ *Companion Animals Act 1998* s 57. Similar provisions apply in the case of declared dangerous dogs (s 52).

⁶²⁸ *Companion Animals Act 1998* s 39.

A4.3 Tasmania – *Dog Control Act 2000*

The *Dog Control Act 2000* provides for the control and management of dogs in Tasmania. Amendments to the Act were made in 2009, introducing new controls intended to increase public safety and highlight the responsibilities of dog owners. Changes were made to the requirements relating to declared dangerous dogs, and a category of restricted-breed dog was introduced. This incorporated the restricted breeds that are banned from importation under the Commonwealth customs regulations (see Section 3.2 of this report).

A variety of people (including police, council officers and park rangers⁶²⁹) are authorised to declare a dog to be of a restricted breed.⁶³⁰ Owners can appeal to the Magistrates Court, which has the power to set aside the declaration. In such an appeal, the onus is on the owner to prove that the dog is not a restricted breed.⁶³¹

The general manager of a council may declare a dog of any breed dangerous if it has caused a serious injury to a person or animal or the general manager believes that it is likely to cause serious injury to a person or animal.⁶³²

If a dog is declared to be dangerous or of a restricted breed, it must be de-sexed and microchipped within 28 days. When in a public place, the dog must be muzzled, leashed, under the control of an adult and wear a distinctive collar. Dangerous and restricted-breed dogs may only be sold or given away after the buyer or new owner has received prior approval from their council. A person cannot own more than two restricted-breed dogs.⁶³³

When not under the control of a person, a dangerous dog must be kept in a child-proof enclosure that meets requirements of the Dog Control Regulations 2010. A warning sign must be erected at each entrance to a property that houses a dangerous or restricted-breed dog.⁶³⁴

All dogs declared dangerous or restricted-breed dogs in other states are recognised as such in Tasmania and approval is required before they can be imported into the state.⁶³⁵

An owner must notify their council if a dangerous or restricted-breed dog goes missing, strays, dies, is lost or is transferred to a new owner.⁶³⁶

If a declared dangerous or restricted-breed dog attacks a person or animal, the owner is guilty of an offence and may be punished by a fine or imprisonment.⁶³⁷

⁶²⁹ See 'authorised person' in *Dog Control Act 2000* s 3.

⁶³⁰ *Dog Control Act 2000* s 29A.

⁶³¹ *Dog Control Act 2000* s 31.

⁶³² *Dog Control Act 2000* s 29.

⁶³³ *Dog Control Act 2000* ss 32-32A & 34A-34C.

⁶³⁴ *Dog Control Act 2000* ss 32 & 33.

⁶³⁵ *Dog Control Act 2000* s 34D.

⁶³⁶ *Dog Control Act 2000* s 34.

⁶³⁷ *Dog Control Act 2000* s 19(4).

A4.4 South Australia – *Dog and Cat Management Act 1995*

The management and control of companion animals in South Australia is unique. While local councils are responsible for administering the dog-related legislation, they are overseen by a Dog and Cat Management Board.⁶³⁸ The Board is a statutory authority that undertakes a variety of roles, including:

- providing advice to state and local governments about the management of dogs and cats (including the regulatory framework)
- monitoring the administration and enforcement of dog-related legislation by local councils
- providing advice, guidance and support to local councils
- supporting research and education programs on dog and cat management.⁶³⁹

The Board consists of nine members, with four nominated by the Local Government Association, four by the minister and a chair jointly nominated by both. Between them, the members of the Board must have experience in a variety of relevant areas.⁶⁴⁰

There are five ‘prescribed breeds’ of dog that have some restrictions placed on them in South Australia. These are the breeds listed in the Commonwealth customs regulations (see Section 3.2 of this report). The Act requires that dogs of these breeds must be de-sexed. They must also be muzzled and leashed when in public. It is also an offence to sell, give away or advertise for sale a prescribed-breed dog. Breaches of these restrictions can result in fines of up to \$2,500.⁶⁴¹

Prescribed-breed dogs are not declared as such by local council or other officers. Where a person is charged with an offence relating to a prescribed breed (such as not wearing a muzzle in public), if the owner denies that the dog is of a prescribed breed, the onus of proof rests with the owner.⁶⁴²

Councils can issue a variety of different ‘control orders’ for the management of dogs in South Australia. These include:

- a Control (Dangerous Dog) Order
- a Control (Menacing Dog) Order
- a Control (Nuisance Dog) Order
- a Control (Barking Dog) Order.⁶⁴³

⁶³⁸ *Dog and Cat Management Act 1995* s 26.

⁶³⁹ *Dog and Cat Management Act 1995* s 21.

⁶⁴⁰ *Dog and Cat Management Act 1995* s 12.

⁶⁴¹ *Dog and Cat Management Act 1995* s 45B.

⁶⁴² *Dog and Cat Management Act 1995* s 88.

⁶⁴³ *Dog and Cat Management Act 1995* s 50.

Various restrictions apply to these different categories. With regard to both dangerous and menacing dogs, the restrictions include microchipping, securely enclosing the dog on its property, wearing a specific collar, wearing a muzzle in public and remaining under physical restraint in public. In the case of a dangerous dog control order, the dog must be de-sexed, the dog and owner must complete a specified course of dog training and warning signs must be erected on the property where the dog is usually kept. Nuisance dogs must be secured at home and restrained in public. For barking dogs, the owner is simply required to take ‘all reasonable steps’ to prevent the behaviour.⁶⁴⁴

South Australia’s legislation also has specific requirements for dogs categorised as ‘attack trained’, patrol dogs or guard dogs.⁶⁴⁵

Most minor offences under the Act can be dealt with by a council officer issuing an ‘expiation notice’.⁶⁴⁶ Dog attack and other serious offences will usually be dealt with by the Magistrates Court. In addition, for more general offences (such as not registering the dog or allowing the dog to attack someone), the owner of a prescribed-breed or dangerous dog is generally subject to higher penalties and fines than the owner of a dog that is not of a prescribed breed or dangerous.⁶⁴⁷

Where a person has been found guilty of certain dog-related offences, a court also has the power to require the owner to take specific actions, to make orders relating to the dog (such as de-sexing or euthanasia) or to prohibit the owner from acquiring other dogs.⁶⁴⁸

For all offences under the Dog and Cat Management Act, the occupier of the premises in which a dog lives is held responsible if the person in charge of the dog at the time of the offence is under 16 years of age.⁶⁴⁹

A4.5 Western Australia - Dog Act 1976

Western Australia’s dog control act recognises three categories of dangerous dogs:

- restricted-breed dogs
- individual dogs that have shown aggression and consequently been declared dangerous
- commercial security dogs.

The prescribed restricted breeds, as in other states, are those listed in the Commonwealth Customs Regulations (see Section 3.2 of this report). Cross-breeds are included.⁶⁵⁰

⁶⁴⁴ *Dog and Cat Management Act 1995* s 50.

⁶⁴⁵ *Dog and Cat Management Act 1995* s 45D.

⁶⁴⁶ Comparable to an infringement notice in Victoria and other states. Whether an offence can be dealt with by an expiation notice will be specified in the relevant section of the *Dog and Cat Management Act 1995*.

⁶⁴⁷ *Dog and Cat Management Act 1995*, Part 5.

⁶⁴⁸ *Dog and Cat Management Act 1995* s 47.

⁶⁴⁹ *Dog and Cat Management Act 1995* s 6(3).

⁶⁵⁰ *Dog Act 1976* s 3.

Restricted-breed dogs are automatically equated to dangerous dogs in Western Australia. A dog of any breed can also be declared dangerous by a local council officer if it has injured a person or animal, damaged a vehicle or repeatedly displayed aggressive or threatening behaviour.⁶⁵¹

Owners must indicate whether or not their dogs are Pit Bulls on registration.⁶⁵² Local council officers do not make declarations about dogs' breeds. However, if a local council or other authorised officer (such as a police officer) suspects a dog to be of a restricted breed, but it has not been registered as such, evidence to this effect may be presented in court as part of a prosecution (for example, in the case of a dog attack).

If a restricted-breed dog attacks or has puppies, the attacking dog or puppies can be seized and euthanased. Owners can object to the local council, and if that is dismissed, appeal to the State Administrative Tribunal.⁶⁵³ In any proceeding for an offence under the Act involving an alleged restricted-breed dog, the onus is on the owner or controller to prove that the dog is not of a restricted breed.⁶⁵⁴ A court may also order the destruction of a dog in certain circumstances.⁶⁵⁵

The Act bans the sale, purchase, transfer,⁶⁵⁶ breeding and advertising of declared dangerous and restricted-breed dogs. These dogs must also be de-sexed, microchipped and wear a prescribed collar. They must be muzzled, leashed and under the control of an adult in public. The owner must ensure that there are warning signs on every entrance to their property and that the dog is kept in a secure child-proof enclosure.⁶⁵⁷

If a declared dangerous or restricted-breed dog kills somebody or endangers a person's life, the owner or controller is guilty of a crime punishable by up to ten years imprisonment.⁶⁵⁸

Courts that convict a person of a dog-related offence may also require the dog and owner to complete a specified dog-training course.⁶⁵⁹ For most offences relating to the Dog Act, the penalties will be double where the dog is dangerous or of a restricted breed.

After one year, an owner can apply to have a dangerous dog declaration revoked by the local council. The council may require the owner to undertake approved training first.⁶⁶⁰

651 *Dog Act 1976 s 33E.*

652 *Dog Regulations 2013, Schedule 1, Form 4.*

653 *Dog Act 1976 s 33G.*

654 *Dog Act 1976 s 45.*

655 *Dog Act 1976 s 39.*

656 There are some exceptions – see *Dog Act 1976 s 33GC(4).*

657 *Dog Act 1976 ss 33GA-33GE.*

658 *Dog Act 1976 s 33GA(11).*

659 *Dog Act 1976 s 46A.*

660 *Dog Act 1976 s 33H.*

Western Australia strengthened its dog control laws with amendments to the Dog Act in 2013. The aim of the amending legislation was to ‘meet community expectations to provide greater protection against dangerous and nuisance dogs’.⁶⁶¹

However, in the second reading speech, the Minister for Local Government indicated that:

Dangerous dogs can be of any breed; however, some breeds are more prone to attack than others... There is no intention, however, to require the destruction of restricted breed dogs that are not registered, as is the case in Victoria. The emphasis in the Western Australian legislation is on responsible dog ownership.⁶⁶²

A4.6 The Australian Capital Territory

The *Domestic Animals Act 2000* of the Australian Capital Territory has provisions for the control of dangerous dogs but there are *no* restricted breeds. Based on its behaviour and history, a dog can be declared dangerous if it:

- is considered dangerous by the Registrar of Domestic Animal Services after having attacked or harassed either a person or animal
- has been declared dangerous in another state or territory or
- has been trained as a guard dog or is kept as a guard dog (for non-residential premises).⁶⁶³

If a dog has been declared dangerous, the owner must apply for a Dangerous Dog Licence, which the Registrar may refuse after considering public safety. A declared dangerous dog must be muzzled in public and kept from wandering at large. The Registrar may also impose certain additional conditions. This licence must be renewed annually by the owner. All dogs must be registered, de-sexed and microchipped in the ACT, including dangerous dogs.⁶⁶⁴

The Act also provides penalties for dog attacks, harassing dogs and nuisance dogs.⁶⁶⁵

A4.7 The Northern Territory

Provisions for dangerous dogs are not found in dedicated dog control legislation in the Northern Territory but form part of the *Summary Offences Act*. Under section 75A of the *Summary Offences Act*, if a dog attacks or menaces a person or animal, the owner or person in control of the dog is guilty of an offence and can

⁶⁶¹ Hon. Tony Simpson MLA, Minister for Local Government (WA), ‘Tougher Dog Controls Protect People And Pets’, media release, 25 June 2013.

⁶⁶² *Western Australia Parliamentary Debates*, Legislative Assembly, 26 June 2013, p.2175.

⁶⁶³ *Domestic Animals Act 2000* s 22.

⁶⁶⁴ *Domestic Animals Act 2000*, Divisions 2.3 & 3.2; Domestic Animals Regulations 2001, s 7. A person may apply for a permit to not have their dog de-sexed (*Domestic Animals Act 2000* s 75).

⁶⁶⁵ *Domestic Animals Act 2000*, Division 2.6; ACT Territory and Municipal Services, ‘Your Responsibilities’ <www.tams.act.gov.au/city-services/pets/dogs/your-responsibilities>, accessed 26 February 2016.

be fined (unless certain extenuating circumstances apply). The court may also order the destruction of the dog and require the owner to pay costs incurred in impounding the dog.

Other matters relating to dog control in the Northern Territory are contained in individual council by-laws. This includes the ability to declare individual dogs dangerous or to declare a class of dogs to be a 'prescribed breed.'⁶⁶⁶

⁶⁶⁶ See, for example, *Darwin City Council By-Laws*, Part 3.

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