



Economic Development,
Jobs, Transport
and Resources

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

September 2016

1 Overview

The Parliamentary Inquiry into the legislative and regulatory framework relating to restricted-breed dogs was established in 2015. The Economy and Infrastructure Committee undertook a detailed investigation into managing different breeds of dog, as well as dog attacks, their causes and prevention strategies.

The Victorian government thanks the Committee for its report following the Inquiry. It also acknowledges the important contributions made by the large number of stakeholders who participated in the Inquiry, including members of the general public, veterinary groups, animal welfare organisations, local councils and academics.

The government appreciates the need to balance supporting the benefits of dog ownership and protecting the community from dangerous dogs and irresponsible dog owners. It also shares the Committee's concern about the particular vulnerability of children in relation to dog attacks.

This document outlines the government response to each of the Committee's recommendations. The government accepts Victoria's restricted-breed dog legislation must be changed. This response sets out the measures the government proposes to introduce to support regulatory reform.

As the government develops its legislative response to recommendations 22 through to 25, which address current restricted breed legislation, the government will take the opportunity to consider whether complementary measures could assist in the management of the risks posed. By way of example, this could include introducing a greater focus on owner obligation and responsibility, in which the owner takes a greater legal liability for the acts and behaviour of their dog.

2 Response to Committee recommendations

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 the report.

Agree in principle.

The government will consider a broader review of the *Domestic Animals Act 1994* (the Act) after the proposed pet shop and dog breeding reforms are introduced and implemented.

The issues raised in section 3.4 of the report will be considered as part of this review or through ongoing regulatory reform activities in the area of domestic animals.

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.

Noted.

The government recognises that breed specific legislation concerns many in the community.

In Victoria many greyhounds originate from the greyhound racing industry. These dogs are trained in such a way as to enhance their prey drive. This has the potential to increase the risk these dogs pose to small animals in the broader community.

The government considers that a complete review of the muzzling and leashing policy must be completed before any decision to relax these requirements is made.

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.

Noted.

The government supports additional dog off leash areas that are securely fenced. These facilities can improve animal welfare by providing an opportunity for dogs (and owners) to socialise. They also allow dogs to exercise without a leash, in a manner that is safer for dogs and all park users. However, any type of off leash environment creates risks associated with dog-to-dog and dog-to-human aggression, particularly when dogs are not under

their owner's 'effective control'. Establishing off leash areas is a local council responsibility. Local councils must weigh the risks associated with fenced off leash environments against the benefits for their community.

The government will need to consider further the issue of exercising greyhounds off leash. As mentioned in the response to recommendation 2, of particular concern is the high prey drive some ex-racing greyhounds exhibit, which may present a risk for smaller dogs exercising in the same area. This issue will be considered as part of the government's review of greyhound muzzling and leashing requirements.

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.

Agree in principle.

The government recognises the need to facilitate greyhound adoption and support the rehoming of racing Greyhounds. The government is working with Greyhound Racing Victoria on how best to evaluate its Greyhound Adoption Program and identify opportunities for increasing the number of greyhounds that are assessed and rehomed.

This forms part of the work being undertaken to implement the recommendations of the Chief Veterinary Officer's final report of the *Investigation into animal welfare and cruelty in the Victorian greyhound industry* dated 30 April 2015 (www.agriculture.vic.gov.au).

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.

Agree in principle.

The government recognises the need to facilitate the availability of temperament tested greyhounds for adoption into the community. The government will work with Greyhound Racing Victoria to investigate the feasibility of introducing a program similar to the New South Wales Greenhounds program.

The government expects the greyhound racing industry would fund such a program.

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.

Agree in principle.

The government will consider this recommendation as part of the review of greyhound management under the Act (see responses to recommendations 2, 4 and 5).

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.**

Agreed.

The government is pleased the Committee recognised the government's good work in educating children about safety around dogs. As stated in the report, the programs have been subject to several independent evaluations, with positive results. The government agrees evaluations should continue, and will ensure these evaluations include the issues identified in recommendation 7.

The government is currently reviewing parent messaging and alternative means for providing key messages to parents. It expects to trial these new approaches before implementing them more widely.

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.

Agreed.

The government started developing a dog attack prevention/responsible dog ownership campaign before the Committee released its final report and recommendations.

This campaign, which considered the Townsville City Council initiative, will be delivered across the state and at a local council level from the October 2016 and continue over the next two years.

Future advertising and publicity campaigns will be developed by drawing on successful programs delivered by other jurisdictions.

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.

Agreed.

This system is already in place and the government has promoted its availability for approximately four years. The government will continue to encourage uptake by local councils through education seminars. The government will also investigate any impediments to uptake and how these can be addressed.

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.

Agreed.

The government currently encourages councils to introduce return-home policies for registered pets in their Domestic Animal Management Plans (DAMPs). Recent reviews of these plans and return-rehoming data indicate many councils are making significant progress. One of the most concerning barriers is failure by owners to microchip and register their pets.

In reviewing the next round of DAMPs in 2017, the government will review and encourage return-home policies by all local councils in Victoria.

RECOMMENDATION 11: That the Department of Economic Development, Jobs, Transport and Resources investigate whether mandatory desexing 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.

Agree in principle.

The government requires additional and better access to raw data on dog attack incidents to investigate if mandatory desexing for dogs (other than those registered for breeding) would reduce the rate of serious injury from dog attack. In particular, the government needs data on the number of attacking dogs that are desexed as a proportion of all attacking dogs.

The government's response to Committee recommendations 15, 16 and 20 provide more information on ways to obtain this data.

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 1994* recommended in recommendation 1.

Agree in principle.

The government will consider each issue as part of any review of the Act referred to in the response to recommendation 1.

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.

Agree in principle.

Currently, officers authorised under the Act (including those employed by Victoria Police, local councils and the RSPCA) can share information under the Act.

However, the government supports exploring opportunities for further and better information sharing about potentially dangerous dogs or irresponsible dog ownership. There may be some issues with privacy rights and obligations associated with sharing information across agencies, particularly human services agencies and the medical sector.

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.

Not agreed.

To date researchers, world-wide, have been unable to identify or develop a standardised temperament test that can reliably predict canine aggression in all or most situations. The scientific literature suggests existing tests are not highly predictive or reliable. Most dogs that attack have never done so before. Without a reliable and predictive test, the government cannot accredit agencies or individuals.

An alternative option may be to have a veterinary behaviourist assess dogs that attack. Courts could then use the assessment to determine whether to euthanize the animal, as well as the level of penalty that should apply. However, this approach may be costly, given estimates for veterinary behavioural assessments range from \$300 to \$1200 for a single consultation.

The reliability and validity concerns with temperament testing are reduced in situations where temperament testing is used to identify specific behaviours under specific circumstances. For example, the Greyhound Adoption Program assessment measures prey drive and the propensity for greyhounds to chase small animals in a non-racing environment. Similarly, the temperament testing used to assess dogs for the Responsible Pet Ownership schools and kindergarten programs, assesses the responses of a dog to exposure to a classroom situation under very strict protocols and controls.

The government will continue to monitor developments in canine temperament testing methods.

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).

Agree in principle.

The government currently receives some annual pet and Domestic Animal Business registration data from councils, as part of the *Domestic Animals Act 1994* levy collected as part of annual dog and cat registration fees. When necessary, further information is obtained directly from councils. The government is considering alternative options for data collection; including collecting dog attack statistics annually.

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.

Agreed.

The government currently undertakes pet ownership, pet management and dog bite surveys every 4–5 years as part of ongoing research into Victorian dog and cat ownership trends.

However, improving access to good quality information is always valuable for developing policies and programs. The government will consider ways to improve its current information collection activities, including investigating opportunities to include questions about the prevalence and circumstances of dog bites in other agencies' surveys of the general public.

RECOMMENDATION 17: That Local Government Victoria (of 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.

Agreed.

Currently, section 68A of the Act requires each council to publish an evaluation of the implementation of its Domestic Animal Management Plan (DAMP) in its annual report. Section 68A also describes what the plan must cover and includes programs, services and strategies to 'minimise the risk of attacks by dogs on people and animals'.

The Department of Economic Development, Jobs, Transport and Resources provides workshops and training sessions for councils, to help them develop their DAMP. A range of templates, supporting materials, examples and data are available to councils. The government will review the existing templates and liaise with Local Government Victoria to determine whether reporting requirements can be co-ordinated and streamlined.

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.

Agree in principle.

Under section 68A of the Act, each council must provide review and evaluate implementation of its DAMP to the Secretary of the department, annually. The department reviews these reports, and provides feedback to each council.

Section 68A also requires each council to publish the evaluation of its implementation of its DAMP in their annual report.

The government considers that this process ensures each council actively monitors and reports on its performance, promoting continual improvement in domestic animal management.

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.

Agree in principle.

Domestic animals are regulated by the states and territories.

When a dog is declared dangerous in another jurisdiction, the microchip record is flagged. In this way, Victorian councils can identify dogs declared in other jurisdictions if they seek registration in Victoria or if they are picked up at large.

Under section 34(1) of the Act, councils may declare a dog dangerous if 'the dog has been declared a dangerous dog under a law of another state or a territory of the Commonwealth that corresponds with this Division'.

The government will write to the Attorney-General to request a discussion around the feasibility of establishing a national database of dog attacks and declared dogs with other jurisdictions, including the Commonwealth.

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.

Agreed.

The government will seek input from relevant experts before conducting dog attack research or developing databases, to maximise the effectiveness of data collection.

Subject to privacy considerations, data collected will be made available to other researchers on request.

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.

Not agreed.

As indicated in the response to recommendation 14, a standardised temperament test is not available that can reliably predict canine aggression. In addition, there are limitations with current assessments, including the extent to which environmental factors may influence an attack.

The government also considers that establishing such a process may discourage the reporting of attacks because the costs of assessments may be prohibitive for some dog owners as there are very few veterinary behaviouralists in Victoria that can undertake such assessments.

There may be human rights and privacy implications for the publication of assessments.

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.

Agreed.

The government will review legislative and implementation options in order to allow the registering of pit bulls and other restricted breed dogs.

The government will retain existing restrictions relating to all restricted breed dogs, including the requirements to be securely contained within an owner's property and to be leashed and muzzled when in public. The government supports the Committee's position that 'current bans on the breeding of pit bulls should also remain in place', while 'pit bulls that do not have an identifiable owner should be able to be seized and destroyed'.

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.

Agree in principle.

The government agrees that cascaded penalties based on the level of compliance can provide incentives to act appropriately. However, any proposals must be considered in the context of the difficulties experienced in identifying dogs to be of a specific restricted breed, and the consequential enforceability of the cascaded penalties.

The government will consider the options available for facilitating cascading penalties in certain circumstances.

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.

Agree in principle.

See response to recommendation 23.

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.

Agree in principle.

See response to recommendation 23.

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.**

Agree in principle.

The government agrees appropriate training of local council officers is critical. The government invests significant resources in ensuring local council animal management officers understand, and can effectively implement, the legislation, associated regulations and codes of practice.

A dedicated Local Government Liaison Officer within the Department of Economic Development, Jobs, Transport and Resources provides councils with advice around the regulatory framework and training requirements.

Training seminars (in both metropolitan and regional locations) are provided to council officers annually, to deliver up-to-date information on legislation changes, industry best practice and major topics affecting animal management, animal welfare and livestock management.

The department has a dedicated reference website for all authorised officers, providing them with tools to enforce the legislation and provide valuable public education and training documents to promote responsible pet ownership.

Annually, each council receives a package containing fact sheets, guides, legal documents such as codes of practice and brochures promoting responsible pet ownership and the prevention of dog attacks.

The department provides a free smart-device application (linked to council databases) that provides a breed identification guidance and recording tool for authorised officers attending an incident or property.

The department also offers free online training courses in Responsible Dog and Cat Ownership and provides councils with the opportunity to nominate staff to be trained to offer these courses in a face-to-face format.

All of these services are funded through the levy on dog and cat registrations.

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.

Agreed.

The Companion Animal Identification Training is provided by the Department of Economic Development, Jobs, Transport and Resources to local council officers as a means to comply with section 98A(4) of the Act. This training is available to local council officers on demand.

The government will explore the possibility of incorporating this training into the Certificate IV in Animal Control and Regulation.

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

Not agreed.

The government works closely with local councils on the delivery of its approach to responsible pet ownership, including through the activities referred to in the response to recommendation 26.

The Act is designed to allow councils to tailor their responsible pet ownership activities and implementation of certain aspects of the Act to fit the demographics and requirements of their communities.

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.

Agree in principle

Consultation with stakeholders, including community groups, on dog management policy is central to policy development under this Government.

Between 2002 and 2013, the Domestic Animal Management Implementation Committee (DAMIC) advised the government on matters related to managing domestic animals in Victoria. However, in response to stakeholder concerns about the effectiveness of DAMIC as a representative body for wider industry and community interests, the committee was disbanded.

In place of DAMIC, the government implemented a system of targeted stakeholder consultation. Stakeholder groups are formed on an as needs basis for particular projects or policy issues and implementation. These have been very successful in facilitating broader community and stakeholder involvement in domestic animal management policy. For example, during the development of the *Code of Practice for the Operation of Breeding and Rearing Businesses* the government worked with four individual stakeholder groups to develop a code that was practical and met community concerns.

The government considers that its current use of targeted stakeholder consultation provides an effective means of ensuring appropriate community and stakeholder input into policy development.

Domestic animal welfare concerns can also be referred to the Animal Welfare Advisory Committee appointed by the Minister for Agriculture. This committee consists of experts with animal welfare experience and guides the Minister on a range of animal welfare issues.

RECOMMENDATION 30: That the taskforce developing a statewide 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.

Not agreed.

The government works closely with local councils on the delivery of its approach to responsible pet ownership, including through the activities referred to in the response to recommendation 26.

The Act is designed to allow councils to tailor their responsible pet ownership activities and implementation of certain aspects of the Act to fit the demographics and requirements of their communities.

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

Agree in principle.

The government is willing to explore opportunities to develop a national strategy in relation to preventing dog attacks with other jurisdictions, including the Commonwealth. The development of such a national strategy will be dependent on multi-jurisdictional investment in and support for a national approach to these issues.

Authorised by the Minister for Agriculture (the Hon Jaala Pulford)
Department of Economic Development, Jobs, Transport and Resources
1 Spring Street Melbourne Victoria 3000
Telephone (03) 9651 9999

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