



RSPCA Victoria submission to the Inquiry into the Legislative and Regulatory Framework Relating to Restricted Breed Dogs

Submitted: 14th August 2015

RSPCA Victoria appreciates the opportunity to provide a submission into this Inquiry. RSPCA Victoria would be happy to appear before the Committee in a hearing to elaborate on our views which we have outlined in this document.

The RSPCA recognises that responsible dog ownership means owners accepting full responsibility for dogs in terms of their welfare, as well as meeting the standards for dog management that are expected by the community.

Government policy on the management of dogs in the community must maintain a balance between the need to protect the health and safety of humans and other animals and the need to ensure the welfare of dogs.

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.

The RSPCA opposes dog management legislation that discriminates against specific types or breeds of dogs. This position is consistent with the weight of global opinion and evidence.

For further information on the RSPCA's position on the issues outlined in this document please find attached:

- RSPCA Position Paper - A1 Control of dangerous and menacing dogs
- RSPCA Information Paper - Preventing Dogs Attacks in the Community
- RSPCA Information Paper - Compulsory muzzling of pet greyhounds in Australia

1. What is the RSPCA's attitude to a regulatory framework based around a breed of an animal (dogs) as opposed to the behaviour of particular animals?

The RSPCA is opposed to breed specific legislation (BSL) in any form. The RSPCA considers that any dog of any size, breed or mix of breeds may be dangerous and thus dogs should not be declared dangerous on the basis of breed or appearance. Each individual dog should be assessed based on their behaviour.

The RSPCA shares the view of animal organisations around the world that BSL is ineffective in preventing or reducing dog attacks or in protecting the public from dangerous dogs. For example, the Calgary Model (Canada) utilises the concept of responsible pet ownership rather than animal control and has zero tolerance for canine aggression, without focussing in on a particular breed (Bruce 2013).

As an alternative to BSL, RSPCA supports a breed neutral regulatory framework combining preventative and punitive strategies that proactively target the factors that have been shown to contribute to dog bites and attacks.

A Canadian study has concluded that higher fines (possibly in conjunction with effective registration) can lead to a reduction in dog bites and that there is no evidence that BSL reduces dog bites (Clarke and Fraser 2013).

2. Does the RSPCA view restricted breed dogs to be a significant risk to the community?

For as long as human beings continue to interact with dogs, there will be incidents of dog bites. However, the frequency and seriousness of such incidents can be greatly reduced through the implementation of evidence based dog management strategies. Half of all bites are inflicted by the family dog and only about 10% of bites are inflicted by dogs unknown to the victim (Beaver et al 2001).

The RSPCA considers that any dog of any size, breed or mix of breeds may be dangerous and thus dogs should not be considered a danger to the community on the basis of breed or appearance. Each individual dog's level of risk to the community should be assessed based on their behaviour and that of the owner in respect of demonstrating responsible dog ownership.

There are a number of factors that contribute to a dog's propensity for aggression and the level of risk to the community (please see response to question 5). Where statistics on dog bites are available, they will show that dogs from popular large breeds are a problem. This is not unexpected as big dogs can physically do more damage if they bite, and any popular breed has more individuals that could bite. Dogs from small breeds can also bite and are capable of causing severe injury (Beaver et al 2001).

3. In the RSPCA's view, how common are restricted breed dogs in Victoria and does the RSPCA have any statistics on such dogs?

Restricted breed dogs are identified and declared by Council authorised officers. We would suggest that Councils are best placed to provide this information. Councils should be able to provide data on the number of restricted breed dogs that are registered in their municipality.

There may be a number of dogs in the community that visibly resemble the approved standard used to declare a restricted breed dog. That number is unknown and not quantifiable.

4. Do you consider that there is a risk of the current framework leading to dogs not being identified as restricted breed dogs and not being registered?

Under the *Domestic Animals Act 1994* a Council must not register a restricted breed dog unless the dog was in Victoria immediately before the commencement of the Domestic Animals Amendment (Dangerous Dogs) Act 2010 and the dog was registered in Victoria immediately before the commencement of the Domestic Animals Amendment (Restricted Breeds) Act 2011. Therefore there is a high risk that the current framework has led to dogs not being identified and registered as restricted breed dogs. People may either label their dog as an inaccurate breed (intentionally or unintentionally) when registering their dog or may not register their dog at all.

Breed Specific Legislation has cost councils hundreds of thousands of dollars because legal challenges are successfully demonstrating that interpretation of the standard is difficult and subjective with Courts finding that Rangers are not reliably able to visually assess dogs against the standard. Anecdotally, Councils have become reluctant or may even refuse to enforce current legislation for fear of costly legal challenges.

A study by Voith et al (2013) found that there can be disparities between visual and DNA identification of the breed composition of dogs and low agreement among people when trying to identify the breed of a dog. They suggested that their findings then raise questions concerning the accuracy of databases which have data on dog breeds, as well as the justification and ability to implement laws such as BSL.

5. In the RSPCA's view, what are the main characteristics of dogs that make them dangerous and are there particular breeds of dogs that are more dangerous than others?

According to the Australian Veterinary Association (2012; AVA) there are five interacting factors that can be involved in a dog's propensity to bite:

- heredity (genes, breed)
- early experience
- socialisation and training
- health (physical and psychological) and
- victim behaviour

For more information on the characteristics that can cause aggression in dogs please refer to the AVA's paper 'Dangerous dogs - a sensible solution, Policy and model legislative framework'.

A study by Patronek et al (2013) found that the co-occurrence of multiple, controllable factors could lead to dog bites and that breed was not one of those factors. The authors reported that the breed of the dog could not be reliably identified in more than 80% of the dog bite incidents in their study.

A review by Mehrkam and Wynne (2014) suggests that differences in behaviour are evident among breeds of dogs but there are also substantial differences in behaviour within breeds. This led them to propose that breed differences in behaviour are influenced by both genetics, and by the environment and experience and that there is little evidence that these behavioural differences correspond to conventional and genetic categorisations of breeds.

Our view, based on the available international scientific evidence, is that any dog may be dangerous and that dogs should not be determined as being dangerous on the basis of breed. While we recognise that there is a genetic component in a dog's propensity for aggressive behaviour, their trigger point for aggression and capacity to inflict serious injury, these factors are not isolated to any specific breed.

6. In the RSPCA's view, does the treatment of dogs, and in particular dogs that may be considered dangerous breeds, increase the frequency and severity of dog attacks?

Proactively socialising puppies is very important. Puppies have what is called a 'critical socialisation period' between approximately 3 -17 weeks of age. The puppy's experiences during this critical period of learning and development can influence and shape their behaviour well into adulthood. It is tremendously important that puppies are socialised with people, a range of environments, other breeds, other species, different surfaces and have exposure and experiences to a range of situations and settings. The socialisation must always be at the level that the puppy can cope with. Training and socialisation should be ongoing for the life of the dog.

Dogs may become aggressive due to a range of factors which include:

- Negative experience/s at a young age or lack of socialisation
- A severe negative/overwhelming response to a trigger of some sort
- Medical reasons e.g. ear infections, tooth decay, seizures
- Pain
- People's actions and motivations e.g. there are some people that train dogs to be guard dogs, beatings
- Some medications may have a side effect tending the dog to aggressive behaviours
- Aversive training methods

The study by Patronek et al (2013) found that the co-occurrence of multiple factors often under the control of owners can predispose dogs to increased territorial, protective and defensive behaviours toward stimuli that occur commonly in everyday life. These factors included:

- 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/vulnerable adult who may be unfamiliar with the dog
- Maintenance of dogs in an environment where they are trapped, neglected, and isolated and have little control over either the environment or choice of behaviour

The authors suggested that individual past experiences of dogs strongly influence their later social behaviour with people.

A study by Herron et al (2009) concluded that confrontational methods applied by dog owners before their pets were presented for a behaviour consultation were associated with aggressive responses in many cases.

7. Does the RSPCA consider the current regulatory framework protects both the dogs and the community?

No, the RSPCA does not believe that the current regulatory framework or the way it is implemented by Local Councils is effective in protecting dogs and the community. There is considerable evidence that BSL has not had any measurable impact on the prevalence of dog bites or aggressive dogs in the community. We collected data in the 2010/2011 financial year on the number of dogs (by breed) seized by councils and brought to our metropolitan shelters in Melbourne. These show that larger working breeds are more likely than other breeds of dog to be seized by council officers for menacing and/or dangerous behaviour but only two out of the total of 110 were classified as a restricted breed. In fact there were 95 dogs made up of 13 other breeds more commonly seized than restricted breeds. Nationally, there have been at least 33 dog attack deaths in Australia since 1979, but apart from the dog that killed Ayen Chol, only one other dog has been described as a 'pit bull cross'.

The RSPCA believes that a prevention strategy for dog attacks must contain the following key elements:

- Registration and microchipping of all dogs: so that all dogs are traceable to their owners and that owners can be directly informed of their legal responsibilities (this could include pro-active annual registration checks by Councils e.g. door knocks to capture unregistered pets and provide education and information).

- Control of unrestrained and free-roaming animals: through the resourcing of local councils to enforce existing dog control provisions. 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.
- Provisions for the control of menacing dogs: measures are put in place to intervene early where a dog has exhibited repeated threatening behaviour but does not meet the definition of a dangerous dog. Corrective strategies may involve compulsory de-sexing, training, housing requirements, and public restraint/control requirements.
- Desexing of non-breeding dogs: 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.
- Education of the public, and particularly children, in dog behaviour and bite prevention.
- Training of owners and dogs: training programs based on positive reinforcement techniques provide an opportunity to educate owners on responsible dog ownership, basic dog behaviour and the use of appropriate training techniques. Strong incentives should be in place to encourage all owners to attend training programs with their dog, such as a reduced council registration fee.
- Socialisation with people and other animals: unsocialised dogs are more likely to show aggressive behaviour; designated off-leash areas may provide opportunities for safe socialisation.

A specific national registry should be established to enable all declared dangerous dogs throughout the country to be registered within a centralised database. The registry should be administered by an appropriate government body with access provided to all local government authorities. Local government authorities would be required to record sufficient identifying particulars relating to the dog and information about the dog's past actions to enable interstate traceability and management. The registry should also include information about any offences committed by the dog's owners under state animal management legislation.

Both declared menacing and dangerous dogs should also be surgically desexed. There should be more onus on councils to implement effective strategies to deal with menacing and dangerous dogs.

The RSPCA would like to see mandatory reporting of dog bites introduced including mandatory reporting by hospitals and other medical practitioners.

The RSPCA would also like to highlight the current compulsory greyhound muzzling laws (Domestic Animals Act Sect 27) pertaining to 'restraint of greyhounds' which are based on 'breed' and not on individual dog behaviour. This is a further example of BSL. 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 (RSPCA (2015) Information Paper - Compulsory muzzling of pet greyhounds in Australia). 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.

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 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.

References:

Australian Veterinary Association (2012) Dangerous dogs - a sensible solution, Policy and model legislative framework

Available from:

<http://www.ava.com.au/dangerous-dogs>

Beaver BV et al (2001) A community approach to dog bite prevention *Journal of the American Veterinary Medical Association* **218**: 1732-1749

Bruce B (2013) The Calgary Model explained

Available from: <https://www.youtube.com/watch?v=OqkRio3lecs>

Clarke NM and Fraser D (2013) Animal control measures and their relationship to the reported incidence of dog bites in urban Canadian municipalities *The Canadian Veterinary Journal* **54**: 145-149

Herron ME, Shofer FS and Reisner IR (2009) Survey of the use and outcome of confrontation and non-confrontational training methods in client-owned dogs showing undesired behaviours *Applied Animal Behaviour Science* **117**: 47-54

Mehrkam LR and Wynne CDL (2014) Behavioural differences among breeds of domestic dogs (*Canis lupis familiaris*): Current status of the science *Applied Animal Behaviour Science* **155**: 12-27

National Canine Research Council (2013) A Community Model for Responsible pet ownership: Calgary, Alberta

Available from:

http://www.nationalcanineresearchcouncil.com/uploaded_files/tiny_mce/Community%20Model%20for%20RPO_Calgary.pdf

Patronek GJ, Sacks JJ, Delise KM, Cleary DV and Marder AR (2013) Co-occurrence of potentially preventable factors in 256 dog-bite related fatalities in the United States (2000-2009) *Journal of the American Veterinary Medical Association* **243**: 1726-1736

RSPCA (2011) Information Paper - Preventing Dogs Attacks in the Community

Available from:

http://kb.rspca.org.au/What-is-the-RSPCAs-position-on-breed-specific-legislation_497.html



RSPCA (2015) Information Paper - Compulsory muzzling of pet greyhounds in Australia

RSPCA (2015) Position Paper - A1 Control of dangerous and menacing dogs
Available from:

http://kb.rspca.org.au/RSPCA-Policy-A08-Dog-management_596.html

Voith VL, Trevejo R, Dowling-Guyer S, Chadik C, Marder A, Johnson V and Irizarry K (2013) Comparison of Visual and DNA Breed Identification of Dogs and Inter-Observer Reliability *American Journal of Sociological Research* **3**: 17-29

A1 Control of dangerous and menacing dogs

(reviewed 04/01/15)

1 Introduction

- 1.1 For as long as human beings continue to interact with dogs, there will be incidents of dog bites. However, the frequency and seriousness of such incidents can be greatly reduced through the implementation of evidence-based dog management strategies.
- 1.2 Dangerous and menacing dog management is the responsibility of the states and territories, and is carried out at the local government level. This position paper sets out RSPCA Australia's position on effective legislative approaches to the management of dangerous and menacing dogs. In doing so, it incorporates the strengths of existing laws and highlights some deficiencies that require reform. State governments are encouraged to coordinate their policies to promote greater national consistency in their approach to dangerous dog management.
- 1.3 This document must be read in conjunction with the following RSPCA policies and information paper:
 - Policy A8 Dog management
 - RSPCA Information Paper - Preventing dog attacks in the community

2 Definition of a dangerous dog

- 2.1 RSPCA Australia defines a dangerous dog as any dog which attacks a person or other animal causing physical injury or death, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death.
- 2.2 Exceptions to classifying a dog as dangerous by this definition should be considered where a dog has been clearly provoked into attacking a human or other animal in self-defence, defence of a human or their property, or where a dog instinctively attacks an animal normally considered as prey.

3 Breed

- 3.1 RSPCA Australia considers that any dog of any size, breed or mix of breeds may be dangerous and thus dogs should not be declared dangerous on the basis of breed or appearance. Each individual dog should be assessed based on their behaviour.
- 3.2 RSPCA Australia does not support dog management legislation that discriminates against specific types or breeds of dogs.

4 Responsibility

Responsibility for the behaviour of a dog rests with the owner and is exercised through the considered selection of a suitable dog for the owner's circumstances, the provision of a caring upbringing in a positive environment with appropriate reward based training, and by ensuring effective control of the dog. The principle of owner responsibility is firmly established in existing dog management legislation.

5 Legislation

Provisions for the control of dangerous dogs should be incorporated into existing state and territory dog management legislation. It is important that the legislation is drafted in such a way as to provide simple straightforward definitions, direction and courses of action to facilitate enforcement. Local government officers should be provided with sufficient support, training and information to allow them to administer such legislation in a fair and appropriate manner.

6 Declaration of a dangerous dog

- 6.1 Declaration of a dangerous dog should be made by the relevant municipal authority on the basis of actual behaviour of the dog in accordance with the above definition. A statutory declaration supported by appropriate evidence of the dog's behaviour (including witness statements, veterinary reports, expert behavioural assessments etc), is the minimum required to initiate the declaration of a dangerous dog.
- 6.2 Written notification must be provided to the owner of the intention to declare a dog as dangerous, setting out the reasons for the decision, the terms of the proposed declaration, and the appeal process.
- 6.3 An owner must be given the opportunity to appeal the decision within a reasonable time (minimum of 28 days). A range of evidence such as veterinary reports, independent behavioural assessments by qualified behavioural specialist, statements from community members and police may be submitted to support such an appeal.

7 Management of declared dangerous dogs

7.1 *Identification*

All declared dangerous dogs must be permanently identified by microchip (see policy statement **A**). In addition all declared dangerous dogs must wear an approved collar which is coloured in such a way as to clearly indicate to an observer that the dog has been declared dangerous. All access points to a property on which a declared dangerous dog is confined must also be marked by an approved sign which clearly indicates to all adults and children that a declared dangerous dog is on the property.

7.2 *Registry of dangerous dogs*

A specific national registry should be established to enable all declared dangerous dogs throughout the country to be registered within a centralised database. The registry should be administered by an appropriate government body with access provided to all local government authorities. Local government authorities would be required to record sufficient identifying particulars relating to the dog and information about the dog's past actions to enable interstate traceability and management. The registry should also include information about any offences committed by the dog's owners under state animal management legislation.

7.3 **Control**

All declared dangerous dogs in public places must be under effective physical control via an appropriate leash and be required to wear an effective (properly fitted) muzzle.

See also - Policy A7.5 Devices used to modify behaviour

7.4 **Desexing**

All declared dangerous dogs must be surgically desexed.

7.5 **Confinement**

- a When on its owner's property, a declared dangerous dog must be maintained in an escape-proof enclosure, indoors, or in any other housing deemed suitable by the relevant local government authority.
- b Where a declared dangerous dog is held in an enclosure, it must be of adequate size to provide the opportunity for the dog to move freely about and must contain appropriate shelter, enrichment, and accommodation to ensure a positive mental state. The enclosure should be sited near the owner's house to enable direct access to the enclosure and for the confined dog to be visible from the house at all times.
- c Declared dangerous dogs should be given the same provision for regular exercise as other dogs (see policy statement **A**).

7.6 **Notification**

When an owner of a declared dangerous dog moves residence/locality they must notify the municipal authorities at the previous and new locations, or, if the move is within the resident municipality, the change of address must be notified.

7.7 **Right of property access**

Local government officers should have right of access to residential properties on which a declared dangerous dog is confined for the purpose of ensuring that all legislative requirements are being met by the owner.

7.8 **Rehabilitation programs**

- a Declared dangerous dogs should be required to undergo veterinary assessment and behavioural consultation and training with a qualified veterinary behaviourist or qualified behavioural specialist to identify any potential strategies for moderating or eliminating the dog's aggressive behaviour.
- b Owners of declared dangerous dogs should be given the option for their dog to be re-assessed after undergoing an approved rehabilitation program for refinement of the conditions imposed upon keeping the dog in order to improve the dog's welfare.

8 **Importation of dogs to Australia**

The importation of dogs to Australia must comply with the *Customs (Prohibited Imports) Regulations 1956*. If a dog being held in quarantine is considered by an experienced animal handler to be exhibiting behaviour indicative of a dangerous dog, then the dog must be submitted to a comprehensive behavioural examination by a qualified behavioural specialist whilst in quarantine. If the dog fails such an examination the local government authority responsible for the area in which the dog is intended to reside should be notified before the dog is released to its owner.

9 **Menacing dogs**

- 9.1 The category of 'menacing dog', may be used in legislation to apply to dogs that have repeatedly exhibited threatening behaviour (such as rushing at or chasing a person without provocation), but do not meet the definition of a dangerous dog.
- 9.2 Declaration of a dog as a 'menacing dog' must be subject to the same process and opportunity for appeal as that specified for a dangerous dog (see section 5).
- 9.3 All declared menacing dogs in public places should be required to be under effective control via an appropriate leash. Declared menacing dogs should not be subject to the additional restrictions placed upon declared dangerous dogs other than being confined on their owner's property such that they cannot continue to pose a threat.
- 9.4 Declared menacing dogs should be required to undergo behavioural consultation with a qualified behavioural specialist to prevent their behaviour from escalating to that of a dangerous dog.
- 9.5 Owners of menacing dogs should be given the option for their dog to be assessed after undergoing an approved rehabilitation program for possible rescindment of a 'menacing' declaration.

9.6 All menacing dogs must be surgically desexed.

Preventing dog attacks in the community

Introduction

The problem of dog attacks and how to prevent them is not new and is not exclusive to Australia. When examining the actions taken to deal with this problem across a number of countries, a familiar pattern emerges: from time to time a dog attack occurs which causes serious injury or death, usually of a child; there is widespread media coverage of the story and vilification of the reported type of dog involved. The public is outraged that the attack could have been allowed to happen, and governments are called upon to take urgent action to prevent the situation from recurring. Under sustained media pressure, the reaction of many governments, both in Australia and overseas, has been to introduce legislation to restrict the ownership and movement of dogs that have been declared as 'dangerous', and, in some jurisdictions, to ban or place severe restrictions on the ownership of certain dog breeds, cross-breeds or dog types through the introduction of breed-specific legislation (BSL). These punitive actions fail to prevent further attacks as they do not address the key issues: how to ensure all dog owners are made responsible for the actions of their dogs, and how to reduce the risk of any dog within the general population exhibiting aggressive or dangerous behaviour towards people.

Breed-specific legislation

In Australia legislation to control 'dangerous' dogs includes two different types of restrictions:

- Restrictions placed on individual dogs that have been officially declared as 'menacing' or 'dangerous' on the basis of the actual behaviour of the dog (ie following an aggressive incident).
- Restrictions placed on specific breeds or cross-breeds of dogs irrespective of their actual behaviour (known as breed-specific legislation or BSL).

The first breed-specific legislation introduced in Australia banned the importation of specific breeds of fighting dogs (the American pit bull terrier (pit bull terrier), Japanese tosa, dogo Argentino, fila Brasileiro and the Presa Canario). Of these breeds, only pit bull terriers were already present in any numbers in Australia. Subsequently over the period 2004-2010, legislation has been introduced in Queensland, South Australia, Victoria, New South Wales, Western Australia and Tasmania, placing restrictions on the keeping and management of these breeds (and in some cases cross-breeds) including the requirement that all dogs of a restricted breed be desexed. However there are no such restrictions in place in the ACT or NT, meaning that pit bull terriers continue to be legally bred in these jurisdictions (although in the ACT this is subject to the owner having a permit to keep sexually entire dog).

Over 20 countries worldwide now have BSL, in most cases based around the same five breeds, with pit bull terriers being the most common subject of restrictions as this is the most commonly owned breed or type of the five listed.

Is there evidence to support banning specific breeds?

While some studies indicate that the risk of serious attack associated with some breeds may be higher than others, they also show that many different breeds and types of dogs are involved in dog attacks. Furthermore, it is extremely difficult to avoid breed-specific bias in studies of the prevalence of dog attacks, as common breeds are more easily identified than less common breeds, and there is a tendency to group similar-looking dogs (including cross-breeds) according to a breed name, regardless of their origin. There are also difficulties with obtaining accurate data on dog bite/breed prevalence and with enforcing breed specific legislation because of the difficulty in determining a dog's breed 'beyond reasonable doubt'. While there is some evidence that certain breeds may be more risky than others, this does not correlate with those breeds currently restricted under BSL.

There is also considerable evidence that BSL has not had any measurable impact on the prevalence of dog bites or aggressive dogs in the community. RSPCA Victoria has collected data on the number of dogs (by breed) seized by councils and brought to their metropolitan shelters in Melbourne in the last financial year. These show that larger working breeds are more likely than other breeds of dog to be seized by council officers for menacing and/or dangerous behaviour but only two out of the total of 110 were pit bulls. In fact there were 95 dogs of 13 other breeds more commonly seized than pit bulls. Nationally, there have been at least 33 dog attack deaths in Australia since 1979, but apart from the dog that killed Ayen Chol, only one other dog has been described as a pit bull cross. A 2004 report published by the South Australian Dog and Cat Management Board listed the breeds of dog (in order of decreasing severity ranking) involved in dog attacks in South Australia across two reporting periods. The report highlights two important points: first, most of the breeds involved in attacks are not covered in BSL; and second, the relationship between dog attacks and breed is inconsistent over time.

The RSPCA's position

The RSPCA does not support breed specific legislation. Our view, based on the available international scientific evidence, is that any dog may be dangerous and that dogs should not be declared as 'dangerous' on the basis of breed. While we recognise that there is a strong genetic component in a dog's propensity for aggressive behaviour, their trigger point for aggression and capacity to inflict serious injury, these factors are not isolated to any specific breed. The RSPCA does not believe that BSL is in any way effective in preventing or reducing dog attacks or in protecting the public from dangerous dogs.

Our view is supported by animal welfare organisations in many other countries with experience of BSL. The UK RSPCA and the Dogs Trust share the view that BSL has had no effect on dog bite prevalence and that it should be repealed (see supporting documentation). Indeed, the experience of the UK since the introduction of BSL in 1991 is a salutary warning of the problems associated with this type of legislation. In London alone, the police spent £10 million over three years on kennelling and prosecution costs enforcing BSL. Over the same period, every health authority in London experienced an increase in the number of Emergency Department admissions for dog bites.

In addition to BSL failing to prevent dog attacks, the RSPCA has a number of significant problems with the implementation of this legislation. There are inherent ethical and operational difficulties in making life or death decisions about dogs purely on their physical appearance rather than their actual behaviour. Determining whether a particular dog is a pit bull or a pit bull cross is a subjective exercise and is a distressing process for both RSPCA staff and dog owners. For example, the recent expansion of BSL in Victoria to include cross-breeds and additional restrictions on the keeping of restricted breeds, have raised the following concerns with RSPCA Victoria:

- *Dealing with distressed owners who feel they have been unjustly treated when their dog has been seized on the basis of its appearance when it has not attacked an animal or person.*
- *Dealing with enquiries from dog owners concerned that their pet will be mistaken for a pit bull or declared as a restricted breed, removed and euthanased.*
- *An increase in the likelihood of dogs being surrendered for euthanasia due to the cost and inconvenience of implementing these restrictions. There has already been an increase in surrenders of Staffordshire terrier crosses since the legislative changes were announced and this is likely to continue.*
- *Due to the anticipated increase in quantity of seized dogs and/or increased duration of stay while owners go through the legal appeals process, our capacity to house other animals is likely to be reduced. Our rehoming rates will reduce and euthanasia rates will increase. Due to the tightening of restrictions, all dogs (puppies or adults) fitting the criteria of restricted breeds, including cross-breeds previously able to be rehomed because they were medically sound and of good temperament, will now have to be euthanased.*

A preventative strategy

Dog attacks are a serious problem that requires a serious and effective long-term solution. Encouragingly, many of the elements of what is required to reduce and eventually prevent this problem are already in place. What is required is a renewed effort on the part of governments, at both the state and local level, to implement further measures to encourage responsible dog ownership and reduce the risk of dog attacks and to enforce existing dog control legislation based on the actions of individual dogs, not on the basis of breed.

There is widespread agreement that a dog's individual tendency to bite depends on at least five interacting factors: heredity, early experience, socialisation and training, health, and the behaviour of the victim. To be successful, any preventative strategy needs to address all of these factors as well as provide mechanisms to protect the community as a whole. The RSPCA believes that a prevention strategy for dog attacks must contain the following key elements:

1. **Registration and microchipping of all dogs:** so that all dogs are traceable to their owners and that owners can be directly informed of their legal responsibilities.
2. **Control of unrestrained and free-roaming animals:** through the resourcing of local councils to enforce existing dog control provisions.
3. **Provisions for the control of menacing dogs:** measures are put in place to intervene early where a dog has exhibited repeated threatening behaviour but does not meet the definition of a dangerous dog.
4. **Desexing of non-breeding dogs:** 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 early age desexing programs, mandatory desexing prior to rehoming and breeder registration for entire dogs.
5. **Education** of the public, and particularly children, in dog behaviour and bite prevention.
6. **Training of owners and dogs:** training programs based on positive reinforcement techniques provide an opportunity to educate owners on responsible dog ownership, basic dog behaviour and the use of appropriate training techniques
7. **Socialisation with people and other animals:** unsocialised dogs are more likely to show aggressive behaviour; designated off-leash areas provide opportunities for safe socialisation.

Many of these elements are already in place around Australia, including compulsory registration and microchipping, incentives for desexing, and regulations over the control of dogs in public places. Various state governments and local councils have implemented specific education strategies covering dog bite prevention, dog behaviour and responsible ownership. The RSPCA runs its own education programs on these same topics. The difficulty is that all these elements need to be consistently applied, enforced and adequately resourced: a piecemeal approach to this problem simply does not work. Legislation for microchipping, desexing, training and control of dogs in public places will not prevent dog attacks if there continue to be unregistered, unidentified, untrained and undesexed dogs at loose in the community. For example, the ACT has four recently created off-leash areas, lifetime dog registration and mandatory desexing. However, while off-leash areas are monitored by rangers, little other enforcement is done, i.e. of registration, microchips or desexed status. In Victoria, measures in place include discounted registration fees for a desexed and microchipped dog and there are designated off-leash areas to encourage socialisation. Yet the dog that attacked Ayan Chol was not registered, desexed nor under control.

The key problem with the current situation is that most local councils do not have the resources to apply the necessary elements in a consistent and sustained manner. Legislation and enforcement need to be proactive, but with limited resources they will remain reactive and reliant upon complaints from the community to highlight problems. For example, additional initiatives could include financial incentives for dog owners for completing training and education programs. Initially, registration fees could be discounted on production of proof of completion of a recognised training course or passing of a behavioural assessment. In time, this could become a prerequisite for registration and renewal of registration. Consideration should be given to mandatory behaviour assessments and training for dogs declared as menacing or dangerous. This would assist in reducing the likelihood of such behaviour escalating.

Further research is also needed into the extent to which genetics, and/or training influences a dog's behaviour towards humans and other animals, and its risk of impulsive or aggressive behaviour.

Where owners fail to behave responsibly, and where normal measures fail to prevent dogs from exhibiting aggressive behaviour, then the RSPCA accepts that stronger sanctions are necessary through provisions for the control of menacing or dangerous dogs. However, such sanctions must be based on the actions of individual dogs rather than their breed and should never be relied on as the primary means of addressing dog attack: they are a last resort. The RSPCA's position on such provisions is articulated in *Position Paper A1 Control of Dangerous Dogs* (Appendix 1).

In summary, what is needed in Australia is a long-term commitment from State, Territory and local governments to move away from breed-specific legislation towards a preventative approach to dog attacks that encompasses all the above key elements, is adequately resourced and includes both incentives for compliance and penalties for non-compliance.

Supporting documents

The following documents provide important supporting evidence for a preventative approach to dog attacks which should be read in conjunction with this information paper. All of them are publically available through the links provided.

1. American Veterinary Medical Association (2001) A community approach to dog bite prevention. JAVMA 218(11):1732-1749. Available from:
http://www.avma.org/public_health/dogbite/dogbite.pdf

2. Australian Veterinary Association (2011) Dangerous dog regulation and dog bite prevention. Available from:
http://www.ava.com.au/sites/default/files/AVA_website/pdfs/Dangerous%20dogs%20-%20a%20sensible%20solution%20FINAL.pdf
3. Colliers S (2006) Breed-specific legislation and the pit bull terrier: Are the laws justified? Journal of Veterinary behaviour 1:17-22. Available from:
<http://www.pitbullproject.ca/BreedSpecificLaws.pdf>
4. Kaspersson M (2008) On treating the symptoms and not the cause. Papers from the British Criminology Conference 8:205-225. Available from: <http://www.britsoccrim.org/v8.htm>
5. Kimble RM, Dallow N, Franklin R & Wallis B (2011) Dog bites in Australian children. Medical Journal of Australia 195(11/12):635-636. Available from:
http://www.mja.com.au/public/issues/195_11_121211/kim11319_fm.html
6. Klaassen B, Buckley JR and Esmail A (1996) Does the Dangerous Dogs Act protect against animal attacks: a prospective study of mammalian bites in the Accident and Emergency department. Injury 27(2):89-91
7. RSPCA (UK) (2010) Response to DEFRA consultation on dangerous dogs. Available from:
<http://content.www.rspca.org.uk/cmsprd/Satellite?blobcol=urldata&blobheader=application%2Fpdf&blobkey=id&blobnocache=false&blobtable=MungoBlobs&blobwhere=1233005600033&ssbinary=true>
8. Sacks J, Sinclair L, Gilchrist J et al. (2000) Breeds of dogs involved in fatal human attacks in the United States between 1979 and 1998. JAVMA 217(6):836-240. Available from:
<http://www.cdc.gov/homeandrecreationalafety/images/dogbreeds-a.pdf>
9. Snyder J (2005) Dangerous dog management. Urban Animal Management Conference Proceedings pp13-17. Available from:
http://www.aiam.com.au/resources/files/proceedings/canberra2005/PUB_Pro05_JohnSnyder_Dangerousdogmanagement.pdf
10. Thompson P (2004) Aggression effects - from a human perspective and solutions. Urban Animal Management Conference Proceedings pp37-38. Available from:
http://www.aiam.com.au/resources/files/proceedings/adelaide2004/PUB_Pro04_Thompson_AggressionEffects.pdf
11. Australian Veterinary Association (2012) Dangerous dogs - a sensible solution. Policy and model legislative framework. Available from:
http://www.ava.com.au/sites/default/files/AVA_website/pdfs/Dangerous%20dogs%20-%20a%20sensible%20solution%20FINAL.pdf



Control of dangerous dogs

(adopted 01/08/08)

1 Definition of a dangerous dog

- 1.1 RSPCA Australia defines a dangerous dog as any dog which aggressively attacks a person or other animal causing physical injury or death, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death.
- 1.2 Exceptions to this definition should be considered where a dog has been clearly provoked into attacking a human or other animal in self-defence, defence of a human or their property, or where a dog kept as a companion animal instinctively attacks an animal normally considered as prey.

2 Breed

- 2.1 RSPCA Australia considers that any dog of any size, breed or mixture of breeds may be dangerous and thus dogs should not be declared dangerous on the basis of breed.
- 2.2 However, it is recognised that there is a strong genetic component in a dog's propensity for aggressive behaviour, their trigger point for aggression and their capacity to inflict serious injury. These factors should be taken into consideration when choosing a suitable dog and in their subsequent socialisation and training.

3 Responsibility

Responsibility for the behaviour of a dog rests with the owner. This principle is firmly established in existing Dog Acts (or their equivalent).

4 Legislation

Provisions for the control of dangerous dogs should be incorporated into existing Dog Acts (or their equivalent). As these provisions will be administered by local government officers it is important that the legislation is drawn in such a way as to provide simple straightforward definitions, direction and courses of action. Local government officers should be provided with sufficient support, training and information to allow them to administer such legislation in a fair and appropriate manner.

5 Declaration of a dangerous dog

- 5.1 Declaration of a dangerous dog should be made by the relevant municipal authority on the basis of known behaviour of the dog in accordance with the above definition. A statutory declaration supported by appropriate evidence of the dog's behaviour is the minimum required to initiate the declaration of a dangerous dog.
- 5.2 Written notification must be provided to the owner of the intention to declare a dog as dangerous, setting out the reasons for the decision and terms of the proposed declaration.

Appendix 1

- 5.3 Where an owner objects to such a declaration they must be given the opportunity to appeal the decision within a reasonable time (minimum of 28 days). A range of evidence such as veterinary reports, independent behavioural assessments, statements from community members, police etc may be submitted to support such an appeal.

7 Management of declared dangerous dogs

7.1 *Identification*

All declared dangerous dogs must be permanently identified by microchip (see policy statement **A6.3**). In addition all declared dangerous dogs must wear an approved collar which is coloured in such a way as to clearly indicate to an observer that the dog has been declared dangerous. All access points to a property on which a declared dangerous dog is confined must also be marked by an approved sign which clearly indicates to all adults and children that a declared dangerous dog is on the property.

7.2 *Registry*

All declared dangerous dogs must be registered with a specific national registry.

7.3 *Control*

All declared dangerous dogs in public places must be under effective physical control via an appropriate leash and be required to wear an effective (properly fitted) muzzle.

7.4 *Desexing*

All declared dangerous dogs must be desexed.

7.5 *Confinement*

- a When on its owner's property, a declared dangerous dog must be maintained in an escape-proof enclosure or indoors.
- b Where a declared dangerous dog is held in an enclosure, it must be of adequate size to provide the opportunity for the dog to move freely about and must contain appropriate shelter, enrichment, and accommodation. The enclosure should be sited near the owner's house to enable direct access to the enclosure and for the confined dog to be visible from the house at all times.
- c Declared dangerous dogs should be given the same provision for regular exercise as other dogs (see policy statement **A7.6**).

7.6 *Notification*

When an owner of a declared dangerous dog moves residence/locality they must notify the municipal authorities at the previous and new locations, or, if the move is within the resident municipality, the change of address must be notified.

7.7 *Right of property access*

Local government officers should have right of access to residential properties on which a declared dangerous dog is confined for the purpose of ensuring that all legislative requirements are being met by the owner

8 Importation of dogs to Australia

Appendix 1

The importation of dogs to Australia must comply with the *Customs (Prohibited Imports) Regulations 1956*. If a dog being held in quarantine is considered by an experienced animal handler to be exhibiting behaviour indicative of a dangerous dog, then the dog must be submitted to a comprehensive behavioural examination by a qualified behavioural specialist whilst in quarantine. If the dog fails such an examination the owner should be given the options of returning the dog to the country of origin or euthanasia.

9 Menacing dogs

- 9.1 The category of 'menacing dog', may be used in legislation to apply to dogs that have repeatedly exhibited threatening behaviour (such as rushing at or chasing a person without provocation), but do not meet the definition of a dangerous dog.
- 9.2 Declaration of a dog as a 'menacing dog' must be subject to the same process and opportunity for appeal as that specified for a dangerous dog (see section 5).
- 9.3 All declared menacing dogs in public places should be required to be under effective control via an appropriate leash. Declared menacing dogs should not be subject to the additional restrictions placed upon declared dangerous dogs other than being confined on their owner's property such that they cannot continue to pose a threat.
- 9.4 Declared menacing dogs should be required to undergo behavioural consultation with a qualified behavioural specialist to prevent their behaviour from escalating to that of a dangerous dog.

See also - [Policy A7 Dog management](#)