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Dangerous dogs

A human problem

When it comes to legislating against dog attacks, the focus should be on dog owners, not dogs. It is the attitude of the owner rather than the dog's behaviour, breed, or temperament that most strongly influences whether a dog is likely to be involved in an attack.

Dog attacks in the community often evoke an emotional response from members of the public and politicians alike. For example, in Victoria in 2011, following the tragic death of Ayen Chol, the government brought forward proposed legislation with more severe restrictions on American pit bull terriers and crosses, purportedly in an attempt to lessen dog attacks in the community.

This legislation was doomed to fail from the outset, as breed-specific legislation fails to take into account the fact that any breed of dog can be dangerous in the hands of an irresponsible dog owner.

Not only has breed-specific legislation failed in every country that has introduced it, there are resource implications flowing from the introduction of such laws — for example, if animal management

agencies are required to monitor and enforce breed-based laws, those resources are diverted away from proactive responsible pet ownership strategies and animal management generally.

Victorian councils have spent hundreds of thousands of dollars defending the seizure of dogs identified as restricted breeds, in many cases unsuccessfully.¹

Who is at fault?

Every dog attack should be judged on the circumstances surrounding it, and fault can lie with any party involved in the attack. Examining the unique circumstances resulting in a dog attack is imperative in establishing who is actually at fault.²

It should also be recognised that an otherwise docile dog may bite



if placed in a fearful situation, or if tormented, teased, or otherwise provoked.

It's important not to forget that dogs, like humans, are sentient beings. They too can suffer from mental illnesses and other conditions that affect humans, for example, depression, anxiety, or epilepsy.

Lonely, anxious, and depressed

Vets have reported an increase in simple behavioural issues due to more people leaving their dogs unattended while they work long hours.³ Dogs are not naturally a solitary animal, yet people will leave them alone for 12 hours a day, and then seem surprised that their dog ends up with problems.

Vets are prescribing medications for dogs to help them with anxiety and depression.

Other animal professionals, such as animal behaviourist and trainer Liarne Henry, believe that dogs behave badly after being left alone for long periods, and that bigger dogs, including working dogs, suffer the most.⁴ “I have seen dogs put on medication for separation anxiety when really all the dog suffered from was boredom as they didn’t get any mental stimulation and hardly any exercise,” Ms Henry said.

Some animal behaviourists say owners are calling for help to get their dogs off medications such as Prozac because of erratic and aggressive behaviour. Ms Henry said she had seen side effects of medication such as aggression, leading to attacks on people.⁵

The challenge for vets, vet behaviourists and professional dog trainers is to ascertain whether the dog has a problem behaviour or a behavioural disorder.

It needs to be established whether the concerning behaviour is due to the dog being in an inappropriate home, i.e. one that does not provide the stimulation and exercise needed, or whether there are other factors causing the behaviour.

There is unfortunately a growing population of dog owners who request medication because they don’t want to train their dog or put in the requisite time and effort to meet the dogs behavioural needs.

Some owners rush into purchasing a puppy without understanding the physical and emotional needs of the breed. For example, cattle dogs nip heels — that’s what they were bred to do to cattle — so if the dog is not trained and controlled by its owners this natural behaviour

can worsen, and the dog may herd children, other dogs, or anything that moves, sometimes with disastrous consequences to the dog or other humans or animals.

Human responsibility

Responsible and caring dog owners register, desex, microchip and vaccinate their dog, take them for regular walks on a lead, supervise children around them, and comply with relevant legislation, including making sure their dog is securely contained on their property.

Irresponsible dog owners, on the other hand, often do not comply with the relevant legislation and in particular, often fail to ensure their dog is securely contained on their property, thus putting the welfare of their dog as well as other animals and community members at stake.

Unfortunately for the dogs in these situations, the owner’s irresponsible attitude can ultimately result in the dog’s death. If a dog is allowed to escape and roam at will, it is often only a matter of time before the dog is involved in an incident.

A roaming dog can become the victim of an attack by other dogs or wildlife, or be injured by a motor vehicle. Or the dog may attack pets, livestock, native animals, or humans.

Legislative responses

The legislative framework for the management of dogs in the ACT is provided for in the *Domestic Animals Act 2000*.

In the ACT, a dog that attacks another animal or person may be declared dangerous, or in the case of a severe attack on a human, may

be destroyed. However in Victoria, councils have destroyed dogs for killing a cat, even when such dogs have performed well in temperament tests and showed no aggression to other dogs or humans.⁶

The ACT government takes a sensible approach to dealing with dog attacks. There is no breed-specific legislation in the ACT. Each dog is assessed on its individual behaviour and history and the circumstances of an incident.

Declared ‘dangerous dogs’

In the ACT, once there has been an attack on an animal or human, the Registrar of Domestic Animal Services has the power to declare a dog dangerous.

If a dog attacks or harasses another animal or human, the dog is impounded while an investigation takes place. The dog owner may be fined and the dog may be declared dangerous. The penalties for the keeper of a dog that attacks a person or animal causing serious injury is up to one year’s imprisonment or fines of \$15,000, or both. If a dog that has previously been declared dangerous attacks or harasses person or animal the penalties increase to five years imprisonment or \$75,000, or both.⁷

While a dog might be declared dangerous as a result of an attack causing serious injury or death (mainly to an animal), it is actually not necessary for physical contact to be made between the dog and victim for a declaration of dangerous to be made. If the dog rushes at or chases a person or animal this is known as a “rush attack” and a dog can be declared dangerous despite no injury occurring.⁸



A dog that has been trained as a guard dog or kept as a guard dog for guarding premises other than residential premises is also regarded as a dangerous dog under the legislation. Similarly, a dog declared dangerous in another State or Territory is also regarded as a dangerous dog in the ACT.

In the ACT, the keeper of a declared dangerous dog (who is usually the dog owner) must apply to the Registrar of Domestic Animal Services for a Dangerous Dog Licence. This licence must be renewed annually by the dog owner.⁹

A licence will only be granted if the Registrar is satisfied that the dog can be kept in accordance with strict conditions designed to ensure public safety. Such conditions could include that the dog be desexed, that the dog be kept in an escape proof enclosure, that signs be erected at entry and exit points to the property containing the words “Warning — Dangerous Dog”, and that the dog wear a Dangerous Dog Collar (which has diagonal yellow and red stripes) at all times. In addition, the dog must be muzzled when in a public place.¹⁰

Before issuing the licence, the Registrar must consider (among other things) the security of the premises and the likelihood of harm being caused to any member of the public or an animal.

For some NSW dog owners, including those living in rental accommodation or public housing, complying with the dangerous dog requirements is not possible (for example the building of an enclosure with a concrete floor).¹¹ Many of these dog owners also do not have the resources to legally challenge the decision of a council ranger. The ownership of a dangerous

dog cannot be transferred so the sad reality is that most people end up surrendering their dog and the dog is euthanised.

If the dog owner does not comply with the requirements for keeping a dangerous dog, the dog may be seized and later euthanised due to the dog owner’s non-compliance.

Some NSW dog owners whose dogs have been declared dangerous choose to ignore official council correspondence. Later, when dangerous dog compliance checks are conducted, the animal management officer may find non-compliance and seize the dog. Council correspondence is then issued asking the dog owner to show cause as to why the dog should not be destroyed. Unfortunately for the dog, it is often only at this critical 11th-hour juncture that the dog owner makes contact with a lawyer.

Just how easy is it for a dog to be declared dangerous?

Dogs that are otherwise friendly to humans or other dogs can be declared dangerous for killing a chicken, a duck, a guinea pig, or a rabbit.

The ease with which dogs are declared dangerous by some councils is worrying.

Equally worrying is the fact that some rangers lack skills, experience and qualifications when it comes to dog behaviour. This can lead to a dog with an otherwise friendly and non-aggressive temperament being declared dangerous.

An example of this is a greyhound being declared dangerous when it escaped its yard after a storm and killed a duck. This dog (for

the purposes of this paper he will be called “Archie”) had passed a Greyhound Adoption Program temperament test and later went on to pass the Greenhound test (the test that allows greyhounds to be exempt from wearing a muzzle in NSW). In addition to these two temperament tests, a third temperament test was conducted which revealed that Archie exhibited no aggression whatsoever towards other dogs or humans. Despite this, Archie was declared dangerous by a NSW council.

The behaviour of Archie in killing the duck, whilst regrettable, could not be described as uncharacteristic of many dogs. The RSPCA’s position statement on dangerous dogs states “exceptions to classifying a dog as dangerous by (this) definition should be considered where a dog instinctively attacks an animal normally considered as prey”.¹²

A duck is considered a prey species to many dogs, and a dog “wandering off” when a gate is open would be classified as normal behaviour in a species that is socially obligate, curious and opportunistic. Archie lived without incident with other dogs of varying sizes, including a small dog.

Most dog owners do not engage lawyers to challenge decisions of councils, so these laws are rarely tested. The question is: how does surrendering, and later euthanising the dog, make the community any safer? Surrendering a dog involved in an incident does not, in the long run, protect the community — the irresponsible owner can, and often does, simply obtain another dog. A dog that will likely be treated in the same manner, with a high probability of the same outcome: another

dog surrendered and euthanised. Remember, the attitude of the owner is the major predictor of dog attacks.

Laws and committees

Both state government and local councils tend to take a reactive rather than proactive approach when it comes to managing and preventing dog attacks in the community. The laws regulating restricted breeds, dog attacks, and declared dangerous dogs vary from state to state, and there is little consistency in the way local councils or other agencies apply the laws.

In NSW some councils have an animal management advisory committee. Such a committee may be comprised of key stakeholders such as companion animal welfare organisations, animal rescue groups, vets or dog trainers. In the opinion of the writer, all NSW councils should aim to establish Companion Animal Advisory Committees.

In Victoria councils are required by legislation to prepare and implement a Domestic Animal Management Plan (DAMP) every four years. Public submissions are also invited with regards to council DAMPs. The Plan outlines the services, programs and policies the Council has established to address the administration of the Act and the management of dog and cat issues in their community.¹³

Too easy to acquire dogs

The ease with which people can obtain dogs is a major concern. Every day dogs are sourced from places such as Gumtree and Facebook *Buy Swap and Sell* pages. There is little to no proper enforcement of the sale of these dogs and puppies.

A quick search of Facebook reveals a number of pages dedicated to selling dogs, including “Pig hunting pups and started dogs for sale”. It is not uncommon to see signs at the side of rural roads stating “pig dog pups for sale”.

The poorly-regulated sale of puppies that are bred to kill, and who grow into powerful dogs, is a cause for concern. Unfortunately some breeds of dogs have a tendency to attract irresponsible owners.

The Calgary model

The city of Calgary in Canada has developed a number of bylaws in relation to dogs. Known as the “Calgary model”, it is a successful example of education combined with punitive council bylaws focusing on the behaviour of owners rather than individual dogs.

Animal control officials outside of Canada are being inspired to use the bylaw as a model for their own animal control ordinances.¹⁴

The “Calgary Model” encompasses five principles of responsible pet ownership. These are:

- provide a licence and permanent identification for your dog,
- spay or neuter your dog,
- provide training, socialisation, proper diet and medical care for your dog,
- don’t allow your dog to become a threat or nuisance, and
- procure your dog ethically and from a credible source.

While other cities and provinces in Canada are banning breeds, the Calgary model promotes education programs and stronger enforcement.

Conclusion

While irresponsible dog owners are not prosecuted when their dogs are habitually at large, while irresponsible members of the public can easily source powerful dogs (with the potential to cause significant injuries), and while the regulations around the sale of dogs and puppies remain largely unenforced, the frequency and severity of dog attacks will remain unchanged.

The writer believes that people wishing to obtain a dog should be required to obtain a licence to do so. The licence should attach to the dog owner, and registration should attach to the dog — in the same way that gun owners obtain licenses for firearms and register their guns. People shown to be irresponsible could have their dog license cancelled and the dog seized. Dog ownership should be a privilege, not a right.

Following the recent fatal dog attack in Watson, calls were made to change existing laws about aggressive dogs. However, the laws in the ACT regarding the regulation and management of dogs do not need changing. The regulatory model used in the ACT is leading the way, in that this model has provision to manage both the dog and the dog owner.

Politicians may score cheap points promising tougher laws, but given dog attacks are a human problem resulting from human failings, tougher dog laws will not result in fewer dog attacks unless the supply of dogs is appropriately regulated and enforced, and irresponsible people are preventing from sourcing or owning dogs.

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