

Final Report: Independent Review into the Management of Dogs in the ACT

April 2018

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5 April 2018

Dear Emma,

I am pleased to deliver the expert panel's final report for the *'Independent Review into the Management of Dogs in the ACT'*. I am confident that the review is robust and evidence based and that it will assist the ACT Government to transition towards being an Australian and international leader in animal management and welfare practice.

I would like to acknowledge the efforts of Domestic Animal Services over the past 12 months to improving their processes and procedures. I congratulate ACT Government for their commitment to continuing to improve animal management and welfare practices and the leadership demonstrated in convening this expert panel.

I would like to acknowledge the expertise and dedication of my fellow panel members; Mr. Bill Bruce, Dr. Michael Hayward and Ms. Anne Greenaway. Following a robust and fulsome discussion, the panel reached a consensus on the findings and recommendations outlined in the report. The experience and knowledge of the panel has resulted in a number of recommendations that, if implemented, will improve services in the ACT for dogs, their owners and the broader community. I would also like to recognise Ms. Naomi Maxwell's effort in compiling the report.

I would like to thank Mr. Stephen Alegria and Ms. Lisa Johnson for their support and assistance in coordinating the panel. I would also like to thank Mr. Sean Sloan and the rangers at Domestic Animal Services for their co-operation and provision of timely information throughout the panel process.

Respectfully,



James W. Crosby M.Sc., CBCC-KA

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1. Introduction

Dogs are an important part of our community. They are the most popular pet in Australia and play an important role in the lives of many Canberrans.¹

It is estimated that 38 per cent of Australian households have at least one dog. This equates to an estimated 4.8 million dogs living across Australia.² ACT Domestic Animal Services (DAS) estimates over 60,000 dogs live in the ACT.³

With so many dogs living in our community, it is important that everyone understands their role in promoting the welfare of dogs, maintaining public amenity and keeping the community safe through responsible pet ownership.

1.1 An increase in dog attacks

The community is concerned about dog attacks.

In Australia, the incidence of dog bites against humans appears to be rising.⁴ It is difficult to estimate the true number of dog attacks each year as in many cases injuries are regarded as trivial and go untreated and unreported. While the apparent increase in hospitalisation due to dog bites may reflect an increased rate of dog ownership in Australia, it is also possible that the severity of injury as a result of dog attacks is increasing.

Regardless of the reasons for this trend, there is an increase in public concern about the ramifications of dog attacks, and medical and surgical interventions for bites appear to be more complex and increasingly involve hospitalisation.⁵

Importantly for government, the perceived increase in dog attack incidents has occurred despite greater public and private awareness of dog bites, and government interventions including education campaigns and stronger regulatory responses including, in some jurisdictions, breed specific legislation.⁶

¹ Animal Medicines Australia, 'Pet ownership in Australia 2016' (2016), online at http://animalmedicinesaustralia.org.au/wp-content/uploads/2016/11/AMA_Pet-Ownership-in-Australia-2016-Report_sml.pdf, p 10.

² Ibid.

³ ACT Government, *pers comm*. Ms Lisa Johnson (Senior Manager, Transport Canberra and City Services).

⁴ M Rajshekar, L Blizzard, R Julian, A. M. Williams, M Tennant, A Forrest, LJ Walsh and G Wilson, 'The incidence of public sector hospitalisations due to dog bites in Australia 2001-2013' (2017) 41(4) *Australian and New Zealand Journal of Public Health*, pp 377 – 380.

⁵ Dr Michael Hayward, personal observation.

⁶ For example; Stephanie Anderson, 'Dangerous dog, pit bull declaration laws 'not working' in Victoria' *ABC News (online)*, 23 March 2016 <http://www.abc.net.au/news/2016-03-23/dangerous-dog-pit-bull-declaration-laws-not-working/7270198>.

1.2 The cost of dog attacks

There is a significant community cost as a consequence of dog bites.

The majority of dog attacks occur by dogs known to the person attacked and many attacks occur in the home.^{7,8} Children are most likely to be the victims of these attacks and the consequences of attacks can range from emotional and psychological trauma to lifelong disfigurement,^{9,10} and death in severe cases.¹¹ Victims may be less likely to own a dog in the future, reducing the known health benefits of pet ownership.¹²

There is also a quantifiable cost to the broader community as a result of dog attacks. This includes a burden on the public medical sector as a result of hospitalization;¹³ use of government resources to respond to community complaints of roaming and/or menacing dogs, and to investigate and action dog attacks, and costs to the judicial system when responding to civil and/or criminal litigation following an attack.



⁷ Michael R. Bykowski; Sameer Shakir; Sanjay Naran; Darren M. Smith; Jesse A. Goldstein; Lorelei Grunwaldt; Richard A. Saladino; Joseph E. Losee 'Pediatric dog bite prevention: are we barking up the wrong tree or just not barking loud enough?' (2017) *Pediatric Emergency Care* (online).

⁸ Gemma E Murray 'Examining evidence on dog bite injuries and their management in children' (2017) 29(3) *Nursing Children and Young People*, pp 35-39.

⁹ Ibid.

¹⁰ Gaoussou Toure, Ghislain Angoulangouli, and Jean-Paul Meningaud 'Epidemiology and classification of dog bite injuries to the face: A prospective study of 108 patients' (2015) 68 *Journal of Plastic, Reconstructive and Aesthetic Surgery*, pp 654 - 658.

¹¹ Unknown author, 'One-year-old dies after attack by family's Rottweiler dog' *ABC News (online)*, 3 March 2018 <http://www.abc.net.au/news/2018-03-03/baby-dies-after-familys-rottweiler-dog-attacks-in-north-nsw/9506136>.

¹² Animal Medicines Australia, above n 1, p 54.

¹³ Rajshekar *et al*, above n 4.

For the dogs involved in attacks there are costs to their welfare. Dogs that have been attacked may have physical or emotional trauma which can result in behavioural changes and a reduced quality of life. For dogs that are found to have attacked another animal or human, and declared dangerous, the often-lifelong consequences for them and their owners can be significant. In cases that are less serious, or in attacks involving provocation, the punishment is considered by many people to outweigh the crime.¹⁴

1.3 Responsible pet ownership

The practice of responsible pet ownership is fundamental to enhancing public amenity around dogs (i.e. for both dog owners and those members of the community who do not own dogs) and reducing the instance of dog attacks. The ACT Government plays an important role in promoting responsible pet ownership through community education, and through balancing the incentivisation of dog owners to manage their dogs appropriately with effective regulation and enforcement activities.

Encouraging a community that is both pet-friendly and safe relies on a suite of preventative and responsive measures. In the ACT, this requires Domestic Animals Services (DAS) to have access to a range of regulatory and administrative tools that promote the interests of dogs and their owners while keeping the community safe.

Creating this suite of tools requires a robust legislative, regulatory and administrative framework. The findings and recommendations in this review aim to support and guide the continued development of this framework.

¹⁴ For example, the death of game species like ducks and chickens that have entered a dog's yard.

2. Background to the independent review

The ACT Government's *Animal Welfare and Management Strategy 2017-2022* (the strategy) envisions the ACT as an Australian leader in animal welfare and management practice.¹⁵

The strategy states that this means '*animals in the ACT are effectively managed and appropriately cared for in a manner consistent with the expectations of the ACT community and guided by best practice*'.¹⁶

To achieve this vision, the strategy commits to a range of legislative and administrative measures to improve the lives of dogs and the people who care for them while maintaining the amenity of public spaces and keeping the community safe.

2.1 Legislative change

In late 2017, the ACT Government began considering a suite of legislative amendments to fulfil commitments outlined in the strategy. These legislative changes also aimed to address escalating community concern about dog attacks in the ACT. This concern included a community campaign by victims of dog attacks seeking stronger laws.¹⁷

On 1 November 2017 the Minister for Transport and City Services released a statement on the management of dangerous dogs in Canberra.¹⁸

The statement responded to the death of a Canberra woman following a dog attack on the 25 October 2017 and outlined the need for legislative change to help prevent and respond to dog attacks. The statement also highlighted a number of measures already introduced to protect the community.

On 29 November 2017 the ACT Legislative Assembly passed the *Domestic Animals (Dangerous Dogs) Legislation Amendment Bill 2017*. This Bill introduced a suite of changes to the ACT *Domestic Animals Act 2000* (the Act) and increased enforcement powers in relation to dogs with a focus on community safety and responsible pet ownership.¹⁹ These changes came into effect on 14 December 2017.

In progressing these legislative amendments, the ACT Government committed to an independent review into the administration of the Act and the associated regulatory environment.

¹⁵ ACT Government, *Animal Welfare and Management Strategy 2017 – 2022*, https://www.tccs.act.gov.au/_data/assets/pdf_file/0016/1106008/17-373-Attachment-A-Animal-Welfare-and-Management-Strategy-Final.PDF, p 15.

¹⁶ Ibid.

¹⁷ Kimberley Le Lievre, 'ACT Liberals and victims call for tighter animal controls as dog attacks continue in Canberra', *The Canberra Times* (online), 16 March 2017 <http://www.canberratimes.com.au/act-news/act-liberals-and-victims-call-for-tighter-animal-controls-as-dog-attacks-continue-in-canberra-20170324-gv5nsx.html>.

¹⁸ ACT Government, 'Statement on the management of dangerous dogs in Canberra' (Media Release), 1 November 2017 https://www.cmtedd.act.gov.au/open_government/inform/act_government_media_releases/meegan-fitzharris-mla-media-releases/2017/statement-on-the-management-of-dangerous-dogs-in-canberra.

¹⁹ ACT Government, Independent Review into the Management of Dogs in the ACT Terms of Reference, 3 January 2017, p 2.

The final Terms of Reference for the independent review into the management of dogs in the ACT states that the Transport Canberra and City Services Directorate (TCCS) would convene a panel of experts to examine and make recommendations on the administration of the Act. The panel was to be convened no later than the 28 February,²⁰ with a final report to be delivered by mid-April 2018.

2.2 Scope of the review

The independent review is intended to assist the ACT Government to be an Australian and international leader in dog management. This requires an appropriate balance between incentivising and rewarding responsible pet ownership and regulation in order to promote animal welfare outcomes, protect public amenity and ensure community safety.

The scope of the review has been guided by the final Terms of Reference which requires:

'...an independent review of the administration of the Domestic Animals Act and the regulatory compliance response model being used by Domestic Animal Services, particularly in respect of dogs. This is to include:

- a) a review of operations by Domestic Animal Services and whether DAS is effective in administering the Act and achieving good outcomes. This includes a high-level review of policies and procedures, and processes followed by DAS officers, including the Regulatory Advisory Committee;*
- b) an examination of processes and practices around animal registration, control of dogs, attacking or harassing dogs, dangerous dogs, seizing dogs, impounding dogs, destruction of dogs, exercise of investigation and enforcement powers and responsibilities, handing dogs back and licensing of dangerous dogs; and*
- c) a review of current education and awareness strategies, and whether these are effective and best-practice.'*

The final Terms of Reference are at Appendix A.

²⁰ ACT Government, above n 19, p 3.

2.3 Expert panel

An expert panel was convened to provide advice to the ACT Government.

The panel consisted of four expert panel members (including a chair and three members) with expertise in the fields of animal regulation, including; investigations, veterinary practice, and animal law.

A fifth panel member was responsible for meeting with and guiding the panel, collating all information and preparing and finalising the review.

All panel members were chosen for their cross-disciplinary and national and international expertise in dealing with dogs. The panel members are:

- **Mr James W Crosby (Chair):** Mr Crosby is an international expert based in the United States and has worked with the ACT Government to investigate the fatal dog attack that occurred in October 2017. He has tertiary qualifications in veterinary science, animal behaviour and animal crime investigations. Mr Crosby was consulted in the development of the 'Calgary Model' which is recognized as being the world leading model in dog management.
- **Mr Bill Bruce:** Mr Bruce is an international expert based in Canada and was the former Director of Animal and Bylaw Services for the City of Calgary. He has tertiary qualifications in engineering and a background in policy and legislative development, community development and communication, mediation and negotiation. Mr Bruce is responsible for the development and implementation of the Calgary Model for dog management.
- **Dr Michael Hayward:** Dr Hayward is a member of the Australian Veterinary Association and a past President of the ACT Division. He is a practicing veterinary surgeon and is an owner/director of the Gungahlin Vet Hospital. Dr Hayward is the former chair and member of the ACT Animal Welfare Advisory Committee and was involved in the development of the Australian Animal Welfare Strategy.
- **Ms Anne Greenaway:** Ms Greenaway is the Principle Solicitor at Lawyers for Companion Animals. She has tertiary qualifications in law, with experience in animal law, and extensive experience as a criminal lawyer. She has represented hundreds of dog owners (in various jurisdictions throughout Australia) whose dogs have been involved in attacks. She also represents owners of dogs and cats who are victims of dog attacks. Ms Greenaway is a guest lecturer in Companion Animal Law at the University of New South Wales.
- **Ms Naomi Maxwell (reviewer):** Ms Maxwell has expertise in regulatory design and policy development and has undertaken regulatory reform for state and commonwealth governments in Australia, including in the ACT. She has tertiary qualifications in science (zoology) and law. Ms Maxwell drafted the ACT's *Animal Welfare and Management Strategy 2017-2022* in consultation with peak animal welfare and management groups and the ACT Government.

2.4 Approach to the review

A range of material was considered by the panel in conducting the independent review, including:

- relevant literature and publications on animal management and welfare practice, with a focus on dog bites and effective measures to prevent and respond to dog attacks
- regulatory models used in other Australian and international jurisdictions
- relevant legislation for the management and protection of animals, with a focus on dogs and the ACT *Domestic Animals Act 2000*
- relevant ACT Government policies, including the *Animal Welfare and Management Strategy 2017 – 2022*, and
- DAS protocols and processes.

The panel also consulted with officers in TCCS, including with DAS through workshops.

This review is considered in two parts:

1. The first is a review of current practice to identify activities the ACT Government is doing well and areas for improvement.
2. The second outlines the recommended process for the ACT Government to transition towards being an international leader in animal management.

The key findings and recommendations for both these parts are outlined in section 3 and 4 of this report respectively.



3. Independent review of current ACT Government practice

The ACT Government aspires to become a leader in animal management and welfare practice.²¹

In order to be the best in anything, there needs to be a very strong will to be the best. It is the view of the panel that the ACT Government, through Domestic Animal Services (DAS), has the will required to be the best.

The panel acknowledges that DAS has made a concerted effort over the past 12 months to improve animal management and welfare practice, improve public amenity and keep the community safe. These efforts are to be congratulated.

The findings and recommendations outlined in this review aim to guide DAS to further improve its practices and to assist DAS in transitioning towards being an international leader.

The findings and recommendations of the independent review are outlined below.

3.1 Administrative framework

DAS processes and procedures

The standard operating procedures developed by DAS are robust, clear and informative.

A review of processes and procedures for responding to dangerous dog complaints, including the function of the Regulatory Advisory Committee (RAC) are considered in further detail in section 3.3 below.

Recommendations:

1. Consider suggestions provided by the panel for improving DAS standard operating procedures.
2. Consider development of a single manual to consolidate forms and standard operating procedures relating to DAS operations and responsibilities. It is recommended that this manual be made publicly accessible to improve transparency.

Establishing productive partnerships

Productive partnerships are important to develop an evidence based best-practice regulatory environment. Collaborative relationships with the following groups of stakeholders should be established:

- The Australian Veterinary Association (both local and National) and the ACT Veterinary Surgeon's Board
- Veterinary clinics and hospitals, including vets, nurses and veterinary behaviour specialists (registered specialty)

²¹ ACT Government, above n 15.

- Registered welfare organisations (e.g. the Royal Society for the Prevention of Cruelty to Animals (RSPCA))
- Dog breed and performance sports clubs (e.g. Australian National Kennel Council (ANKC), Dogs ACT, non-ANKC breed clubs)
- Commercial industry groups (e.g. pet shops, groomers, boarding establishments)
- Hunting dog clubs and groups (e.g. Australian Pig Doggers and Hunting Association)
- Dog rescue groups and supporters
- Industry rehoming groups (e.g. Greyhounds as Pets)
- Pet supply dealers and manufacturers
- Assistance/service dog agencies and advocates
- Dog obedience clubs and pet dog trainers
- Environmental protection groups to address the impact of free-roaming dogs
- Relevant community groups and community volunteers, and
- Dog attack victim groups.

In consultation with these groups, pet-friendly activities should be encouraged by the ACT Government, including public events with a positive goal for both pets and owners. This could include festivals, spay/neuter (de-sexing) opportunities, vaccination and care clinics provided at low or no cost for those with proven low financial resources, competitions that focus on trained and well-behaved dogs, or other activities promoted for pet well-being.

An examination of ACT laws and relevant health regulations could be included to promote the integration of well-behaved and healthy animals in public spaces, for example, permitting dogs on-leash in open-air dining areas or on public transport.

Finally, programs or measures which could help to reduce dog attacks may be outside the scope of services reasonably provided by the ACT Government. In these instances, grants from Non-Government Organisations and other philanthropic sources should be actively sought for specific programs to expand customer focused services and respond to issues outside of DAS budget constraints.

Customer service focus

A focus on customer service is essential to the everyday role and responsibilities of DAS.

The recent and scheduled increases in rangers and administration officers are positive and help DAS to better respond to the community.

The addition of evening shift rangers is also positive, as many complainants are working owners that are unavailable during regular business hours. Providing a service when members of the community are home and experiencing issues is essential for the efficient and effective administration of the Act and for building community confidence in the regulatory system.

The addition of a behavioural screening ranger to DAS staff is also considered to be a positive addition to DAS processes and procedures. This resource provides DAS the expertise to assess dogs in DAS custody and also provides a ranger that can observe and document the behaviour of alleged problem animals in their home environment. It is noted that in custody assessments can produce unreliable results and are not considered a reliable predictor of future dog behaviour. That said, they are considered necessary and should be used as one piece of information to inform decision making.

In order to promote community confidence in the effectiveness of DAS operations it is important to keep all parties informed about the progress of investigations and the outcomes of decisions. All parties that are involved and directly impacted by dog attacks should be regularly updated about the progress of investigations and government decisions. Victim accountability and communication should be included in ranger duty statements. Where current rangers do not have the skills or experience to fulfil these responsibilities, training should be provided.

Publication of a clear Accountability Commitment will assist the community to understand how DAS is accountable to the public and provide transparency about processes and procedures. The Accountability Commitment should broadly outline how DAS rangers will interact with the community in a respectful and professional way and provide information about how DAS will fulfil its role and responsibilities in promoting responsible pet ownership and how they will keep the community safe. Further detailed information about individual cases will be provided on a case by case basis to the affected parties.

Recommendations:

3. DAS should foster productive partnerships with animal welfare and management groups, law enforcement agencies and other animal professionals.
4. Grants from Non-Government Organisations and other philanthropic sources should be actively sought for specific programs to expand customer focused services and respond to issues outside of DAS budget constraints.
5. DAS should review processes to ensure they are customer service focused.
 - For example, particular focus should be placed on ensuring victims of dog attacks are kept informed about the progress of investigations and the outcomes of decisions.
6. DAS's Accountability Commitment should be finalised and made publicly available.
 - The commitment should be updated with DAS contacts and include a clear escalated dispute resolution process for the community and people affected by dog attacks.
7. DAS staff should have a range of skills for responding to the community in a respectful and professional way.
 - Ranger duty statements should be updated to include the importance of victim accountability and communication.
 - Training should be provided to ensure rangers have the skills to fulfil these responsibilities.

Transparency and accountability

Baseline information and data on dogs living in the ACT is required to determine the effectiveness of DAS operations and to underpin continuous improvement. Current data collection processes are inadequate for inquiry or to determine the effectiveness of DAS.

In addition to investing in systems to capture new data, the ACT Government should aim to collate past records across the ACT with the aim of establishing a baseline for actual registration, dangerous dog statistics, bite incidents, animal cruelty cases, and anti-social behaviour issues related to animals. These baseline data, some of which will require cooperation with the Australian Federal Police and other ACT agencies, will give a more solid foundation to focus education on specific needs rather than a scattered, overly general approach (e.g. in areas where cruelty cases are higher, focused anti-cruelty education will be more immediately important than proper dog walking practices).

Recommendations for the types of data that should be recorded are included at Appendix B.

Recommendations:

8. DAS programs must be underpinned by evidence and include measurable targets that are reported on at least annually.
9. Data collection needs to be systemised and regularly maintained to ensure a good baseline of information to measure progress of any DAS programs.
 - This internal searchable database should be developed and maintained to report on the details and outcomes of dog attacks. This should include creation of a baseline data set from previous records from at least the past 12 months.



3.2 Review of prevention measures

The most effective way to reduce dog attacks is through prevention. Preventing behaviours that result in attacks requires community education and a commitment to responsible pet ownership.

The ACT Government is adopting a pro-active approach to reducing dog attacks.

Importance of responsible pet ownership

Experts recognise that the majority of dog attacks could be prevented through responsible pet ownership and/or changes in human behaviour when interacting with dogs.²²

The key elements of responsible pet ownership include: registration; permanent identification (e.g. a microchip); de-sexing; responsible procurement of pets; training; socialisation; and keeping animals under effective control.

There is a well understood correlation between dogs who are not responsibly managed, cared for, or controlled and the instance of dog attacks. Some researchers have concluded these factors are more relevant in determining why dog attacks occur than genetically determined breed differences.²³

For example, research into dog bites in the United States found that over 84 per cent of cases involved sexually entire dogs and over 76 per cent of fatal attacks involved dogs that resided on the property but were not socialized as 'part of the family' (i.e. 'resident' rather than family dogs).²⁴ Similarly, a significant number of these cases involved victims that were deemed unable to interact appropriately with the dog due to their young age or other physical or mental limitation.²⁵

DAS plays a central role in promoting responsible pet ownership through community education. In addition to education, DAS is also able to incentivise dog owners to manage their dogs appropriately (e.g. reduced registration fees for animals who attend puppy pre-school and training).

For the small proportion of dog owners who actively choose not to manage their dogs in a manner consistent with government and community expectations, DAS is then able to respond with effective regulation and enforcement activities.

Key measures are discussed in further detail below.

²² Gary J. Patronek, Jeffrey J. Sacks, Karen M. Delise, Donald V Cleary and Amy R. Marder 'Co-occurrence of potentially preventable factors in 256 dog bite-related fatalities in the United States (2000-2009)' (2013) 243(12) *Journal of the American Veterinary Medical Association*, pp 1726 -1736.

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.



“In North America, we don’t have a problem with pet overpopulation, stray animals, nuisance or aggressive animals, we have a problem with responsible pet ownership. Virtually every animal that ends up on the street or in a shelter today is there because their relationship with a human failed”

Stakeholder feedback in development of the Calgary Model, Canada

Registration

Under the current registration system, accurate data for the number of owned dogs is unavailable. The number and location of dogs living in the ACT is estimated from comparing dates of registration to projected lifespan. A more regular system of registration is required to support the provision of DAS services to the community.

An effective system of registration achieves multiple objectives:

- Registration provides DAS with quality information about dogs living in the ACT. It also provides a central repository of data that can be used when measuring the effectiveness of programs and any improvement in the regulatory system. In order for information to be accurate and contemporary, there must be a trigger for people to update their registration details on a regular basis (e.g. when they move, when a pet dies, or when ownership details are changed).
- Importantly for the community registration provides their dog a 'ticket home' if they become lost or accidentally stray. When linked to microchip details, registration also provides some protection against dogs being stolen. Providing the community this assurance adds value to a regular registration fee and this measure is less likely to be viewed as an additional 'tax'.
- Registration is also an important tool that can be used to limit dog ownership when owners demonstrate repeated behaviours that constitute irresponsible ownership or create a public risk, or where there are animal welfare concerns. Recent changes to the Act allowing DAS to restrict dog ownership are considered positive. In addition, DAS could consider adding conditions to dog registration to regulate dog owners.
- Finally, a regular registration fee provides a source of revenue to provide services to the public and should eventually allow DAS to become a largely self-supporting agency. In order for this 'fee for service' model to work, fees need to be market sensitive and there needs to be a demonstrable improvement in services for dogs and their owners as a result of any registration fee charged.²⁶ These services should aim to improve animal welfare outcomes and support the integration of dogs into the community. Of note, fees raised through dog registration should be used to improve conditions for dogs and should not be used in the management of cats. A separate registration for cats should be considered for this purpose.

When implemented as a measure to be complied with (i.e. register your dog or consequences will be applied), rates of registration tend to be low. However, offering incentives and services as a reward to owners for registering their dogs significantly increases the rate of registration.²⁷

²⁶ It is important to note that good dog management by ACT Government provides benefits to both dog owners and non-dog owners and therefore it is reasonable that costs of managing dogs by DAS should be split between a fee for service model and funding from consolidated revenue (i.e. registration fees need not provide full cost recovery). The proportion of revenue raised from registration is a matter for government.

²⁷ This has been demonstrated in Calgary, Alberta, Canada where incentivization measures resulted in dog registration approaching the 97 to 98 per cent level. In the United States, where punishment/taxation-type enforcement schemes were implemented 'successful' programs only achieve approximately 10 – 20 per cent acceptance and compliance.

Examples of potential services that should be considered include:

- Discounted registration for de-sexed dogs (as opposed to a penalty for non-de-sexed dogs).
- Third party pet insurance to be added as a benefit for registered dogs.
 - The ACT Government should explore options for providing third party insurance for owners of registered dogs to indemnify them from costs associated with injuries (to humans and other animals) or property damage caused by their registered dog. Financial protection for injuries to their own dog (or damage to property) caused by an unregistered dog could also be considered.
 - Under this model fees should be included in the overall registration fee. This would reassure owners that, in the case of a dog attack or injury to another person or their property, financial liabilities would be covered. This approach would also safeguard owners from the financial impact of a non-registered dog injuring their registered dog.
- A registration rewards program should be considered to incentivise dog owners to register their dogs. The ACT Government should consider partnering with local providers to include rewards that benefit dog owners and local businesses (e.g. discounts on dog food when purchased from a partner business).²⁸ Rewards could also include access to government services. For example, community dog park access could be provided to registered dogs only (this approach could be based on an ‘honesty’ system and non-compliance would be strictly enforced during random spot checks).
- Services such as ‘first ride home free’ for the return of accidentally straying dogs could be offered.

Microchips

Microchips are an important unique identifier for a dog.

For the reasons outlined above, registration provides a different service than microchipping. However, it is recognised that dogs are often mobile across state or territory borders and as such checking microchips and confirming currency of database records should be part of the standard process when dogs believed to be stray or lost are picked up by DAS rangers.

Until there is a national database for microchips, DAS will need to develop a series of checks and balances to ensure that different microchip registries are checked before rehoming a dog that may otherwise be lost (e.g. rangers should utilise the common portal ‘PetAddress’ to assist with this process), as well as accessing the three databases not currently linked on the PetAddress website.

²⁸ City of Ipswich (local government council) in Queensland has implemented a registration rewards program and in 2017-18 has teamed with 42 local businesses including; pet businesses, vets, leisure providers and cafes.

De-sexing

A review by Australian researchers has demonstrated that de-sexing dogs helps to reduce bite risk with five out of six observational studies finding that intact dogs were associated with an increased risk of dog bite compared with de-sexed dogs.²⁹ In the United States, 84.4 per cent of dog bite related fatalities involved dogs that had not been de-sexed.³⁰

Incentivising owners to de-sex their dogs through reduced registration and/or providing reduced-cost community veterinary services (clinics) is encouraged over traditional compliance and enforcement activities. However, it is noted that incentivisation activities must be linked to local ACT community drivers.

For example, the higher than average household income in the ACT may mean that financial drivers are less of an impediment to de-sexing pets in the ACT compared to other Australian jurisdictions. If this is the case, low cost de-sex solutions may only act to subsidise dog owners who were already willing to cover the full costs of having their animal de-sexed.

For any future measures to be successful, community surveys and data are important to understand the road blocks to de-sexing in the recalcitrant community (e.g. cultural or machismo drivers may be responsible for this trend).

Enforcing the law around breeding practice is also important to manage this issue and people should not be allowed to use indecision about whether they will breed their dog at a point in the future as an excuse not to de-sex their animal.



²⁹ Katina D'Onise, Susan Hazel and Charles Caraguel 'Mandatory desexing of dogs: one step in the right direction to reduce the risk of dog bite? A systematic review' (2017) 23 *Injury Prevention*, pp 212 - 218

³⁰ Patronek *et al*, above n 22.

Responsible procurement of pet dogs

Responsible procurement of pet dogs starts with prospective owners choosing the right dog for their lifestyle. DAS should provide information through their website to help prospective owners choose the right breed for them. This information should caution against the purchase of 'fad' dogs that are being bred to feed a market demand (e.g. an increase in the number of Kelpies being purchased following the 2011 movie *Red Dog* and 2016 *Red Dog: True Blue* which starred a Kelpie-cross).

Ideally, prospective owners will find their new pet through a qualified rescue service (including DAS), or a reputable breeder if they have a specific breed in mind.

When dogs are rehomed from the DAS impoundment facility a process of pairing should take place. It is acknowledged that DAS already makes some effort to assess and pair prospective owners with dogs. This process should be expanded and formalised. Dogs should not be sent home with people who are unable to exercise the appropriate care and control required for them (e.g. considerations should include age, life-style, fitness level, strength of the prospective owner, current and prospective family structure). Finally, DAS should conduct a follow-up assessment 30 days after the transaction to confirm that the new relationship is working well and provide assistance in the event it is not. This could include providing advice on training or accepting the return of the dog where necessary.

In order to promote the responsible procurement of pet dogs, DAS must effectively regulate the breeding of dogs. This should include:

- Regulating the number of breeding permits issued in the ACT and may include placing restrictions on the breeding of dogs with known health and temperament issues.
 - Any general restriction on the number of breeding permits should not disadvantage responsible breeders just because they are not associated with the ANKC or other breed organisations (i.e. DAS should not prevent the production of cross-bred dogs).
- Registering puppies at birth (or very soon after) in order to track the number of dogs being bred by individual breeders and made available within the community.
- Requiring breeders to quote breeding permit numbers when advertising puppies.
- Requiring breeders to advise DAS of the new owner's details when puppies are sold. Ideally this should include cross-jurisdictional reporting with breeders in the local ACT and NSW region.
- Active monitoring of advertising of the number of puppies bred and sold and compliance of the new owners with responsible pet ownership requirements (e.g. registration, microchipping, de-sexing and vaccinating at a minimum).
- Provision of sufficient resources for DAS to follow up apparent lack of compliance with breeding requirements.
 - The use of partnerships with community organisations and other volunteers is encouraged, but volunteer indemnity and compliance with DAS requirements must be considered.

To reduce the number of unwanted dogs and encourage dogs to be valued, penalties for illegal breeding should be significant and strictly enforced.

Training and socialisation

Training and socialisation with both humans and other dogs is important to promote healthy and happy dogs that are well integrated into society. Through these activities, trainers, vets, rangers and other professionals may be able to help owners to identify personality traits and early behaviours that are more likely to result in aggressive behaviours in the future (e.g. fearful or dominant dogs, unwanted reactions to a particular gender or children).

DAS should consider the implementation of a reporting system that allows behaviours to be reported and/or captured by professionals. This information could then be used to target education campaigns or recommend a form of intervention before behaviours progress and become more dangerous.



Effective control

Responsible pet ownership requires dogs to be under effective control at all times. Dogs should be trained to be responsive to owner commands.

The regulation and control of 'at-large' dogs is essential for public safety. There should be a zero-tolerance policy for out of control or at-large dogs. At-large dogs represent a threat to humans, a threat to properly controlled dogs, may cause property damage, and the dogs themselves are at risk from environmental hazards such as traffic. The importance of this matter should be made evident across all government strategies: education, enforcement, and judicial action. Proposed responses measures are outlined in further detail in section 3.3.

Leads which are greater than 2 metres do not act as a method of keeping dogs under effective control. Long leads (greater than 2 metres) and retractable leads, also known as 'flexi-leads', are not an adequate, safe means of controlling a dog, particularly a large dog. Use of long and/or retractable leads should not necessarily be subject to outright ban, however any owner observed on a lead of greater than 2 metres in length should be considered to have their dog 'at-large' and not under effective control when on public property.



Recommendations:

10. DAS should actively promote responsible pet ownership, including through incentivising responsible behaviours (e.g. regular registration of dogs, promoting the adoption or purchase of rescue dogs that have been paired with their new owners, de-sexing).
11. The ACT Government should consider the introduction of an annual registration for dogs.
 - Any move towards an annual registration must clearly outline the value of registration and how revenue will be invested to improve management and welfare outcomes for dogs and their owners.
 - Registration fees need to be market sensitive and based on what the community can comfortably pay and must reflect the quality of service that can be expected.
 - Annual fees may be reduced for owners who have demonstrated responsible ownership (e.g. participation in puppy-preschool, de-sexing animals).
12. DAS should provide information on responsible procurement of pet dogs.
 - When dogs are rehomed by DAS a formal pairing process should be undertaken. Follow-up checks after 30 days to ensure the new relationship is going well and to advise on any concerns should occur.
13. DAS should introduce stronger regulations for people who breed dogs and strictly enforce any non-compliance.
14. DAS should consider the introduction of a reporting system that allows risky behaviours or welfare concerns to be reported and/or captured by professionals (e.g. dog trainers, vets).
 - This could be an informal process and information could then be used to target education campaigns or recommend a form of intervention for individual dogs before behaviours progress and become more dangerous and eventually result in an attack.
15. DAS should consider the introduction of a system to identify dogs based on their training and sociability. This system can then be used to reward responsible pet owners and may be appropriate to grant access to public areas (e.g. out-door dining areas, or unregistered dogs in dog parks).
16. DAS should regulate the use of leads over 2 metres in length, including retractable leads.
 - Long (greater than 2 metres) and/or retractable leads should not be permitted as a method of controlling a dog in on-lead public spaces. An outright ban is not considered necessary, however owners using these leashes should be considered as having their dog 'off-lead' when on public property.

Education and awareness strategies

Education of dog owners is critical to smooth interaction with the dog-owning public. Education for owners should include such topics as managing dogs safely, health and welfare needs, requirements of dog owners, and the benefits of registration for dogs.

The non-dog owning public must also be educated. A single dog bite prevention lesson incorporated into a regular school day has been found to dramatically reduce high risk behaviours towards dogs in children.³¹ Programs such as dog bite prevention for children and adults should be established and standardised.

Education must also include the Officers of the Crown Prosecution Service, general Members of the Bar, and Magistrates/Judicial officers. The importance of fair but firm prosecution of animal related offences must be carried into the judicial venues. Court officers must be aware of the need for compliance in the interest of public safety, especially in those cases where prior efforts for education of offenders has been attempted.

Judicial education should include the impact of dog-related offences on human victims and their families, and penalties or restitution should be sufficient to address the community's concerns. In considering these issues, judicial officers should be taught that the law does not consider dog attacks on humans differently to dog attacks on other animals. As such, education should explicitly include information on the difference between dog or other animal aggression and human aggression.

Judicial education also needs to include the effects of crimes against animals on the animal victims. Furthermore, judicial education should include the relationship between animal focused violence and interpersonal violence. Crimes against animals should be recognised as often precursors to human focused violence, particularly when committed by young offenders.

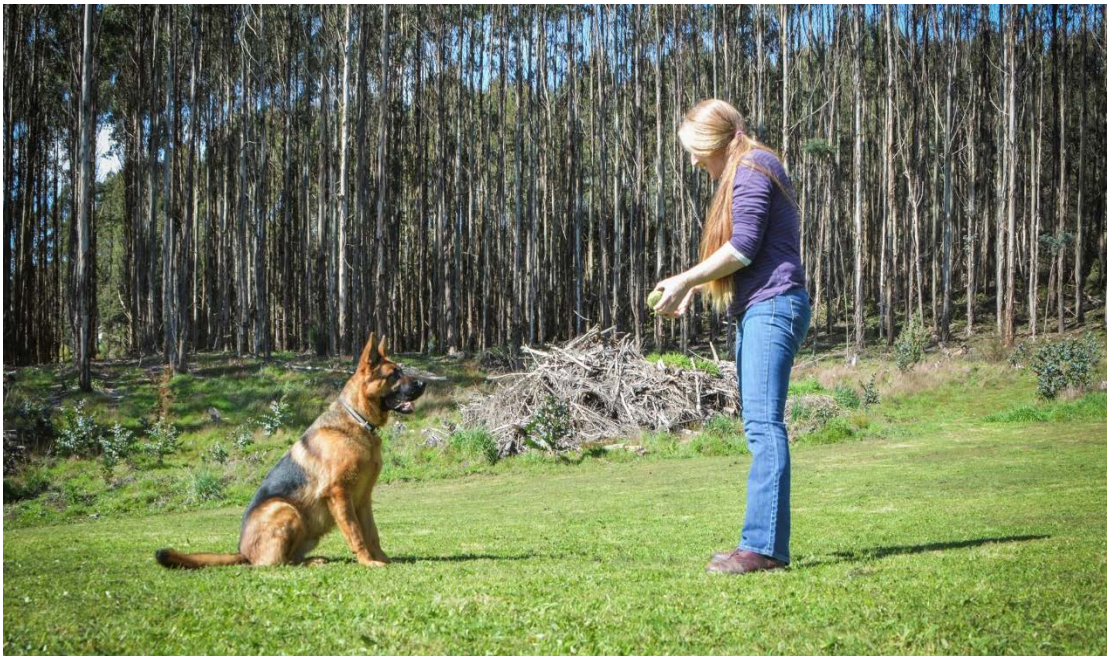


Photo courtesy of Rebecca Kosta, Shy Wolf Photography

³¹ A Kahn, P Bauche and J Lamoureux 'Child victims of dog bites treated in emergency departments: a prospective survey' (2013) 162(4) *European Journal of Pediatrics*, pp 254 – 258.

Recommendations:

17. DAS should develop and implement a targeted education campaign about the importance of responsible pet ownership, the benefits of regular registration to dogs and their owners and the consequences of non-compliance.
- Any campaign should target: dog owners; non-dog owning members of the community; school aged children; and the judiciary and associated professions.
 - Campaigns should be based on demographics, baseline data and trends and must be under-pinned by specific and targeted measurables.
 - Prior to an education campaign, public consultation is required to understand public perception of issues and inform how these issues will be addressed. This improves community buy-in and participation.
 - Any public relations campaign needs to be specific about how it will create a public value around DAS.
18. Bite prevention programs for children and adults should be established and standardised.
- Programs should include information on what constitutes normal dog behaviour, how to interact with dogs safely and when involving children programs should be run regularly.



3.2 Review of DAS response measures

Attacking and harassing dogs

A sophisticated approach is needed to assess and respond to attacking and harassing dogs.

Attacks to animals should be viewed in terms of whether they are a ‘dog’ problem or an ‘owner’ problem. In many international jurisdictions a dog is not considered to be dangerous following an attack on another animal if that animal has entered the property of the animal’s owner. In these cases, the entrance of another animal is viewed as reasonable provocation. The owner of the invading animal is responsible for their animal being at-large and for any damages sustained by their animal or the dog of the property owner.

When dog attacks like this occur, it is still recommended that DAS assesses the attacking dog for its risk to the public, however the individual circumstances of the attack should be taken into account before any declaration about the dog is made. This provides a nuanced approach to determining whether dogs that have attacked are actually dangerous to the public. This approach could also be applied when an off-leash dog injures, or is attacked by, an on-leash dog in public.

Attacks on humans must be evaluated on both the severity of injury (in accordance with a quantifiable tool apart from medical treatment decisions) and on the circumstances as they would be perceived by a domestic dog. It is recommended that the Dunbar Bite Assessment Scale continue to be used for this purpose. This approach allows DAS to differentiate between a dog with dangerous propensities based on individual behaviour and a dog that has been placed in a negative circumstance due to human fault.

Finally, it is important to re-enforce that dog behaviours are influenced by the people who care for them. A ‘good dog’ with a ‘bad owner’ may best be managed through rehoming to the advantage of both the public and the dog. A mechanism for this is needed rather than relying on an irresponsible owner surrendering the dog voluntarily. For example, DAS currently has the ability to cancel a dog registration in response to management and/or welfare concerns. This ability addresses the issue in the short term. However, introducing the ability to condition any dog registration (i.e. for current and future dog owners) can help to prevent future issues from arising.

Dangerous dogs

Dangerous dogs are a threat to the public, other animals, and potentially to the owner and their family. It is important to build community confidence and trust that DAS is able to respond effectively to this threat.

To facilitate this confidence, dangerous dog procedures should be available to the public. This will allow the public to understand how cases are carefully managed and actioned by DAS.

In addition, the ACT Government should be active in promoting and facilitating the development of a national dangerous dog database in which all states and territories are active participants in. While it is noted that the development of such a database is outside of the control of ACT Government, spear-heading such a measure would demonstrate the ACT’s commitment to best practice and help to solidify the ACT’s position as an Australian leader in dog management. This approach should

require mandatory uploading of dangerous dog data (and should consider the inclusion of menacing and/or harassing dogs) and cross-border notifications.

It is essential that all law enforcement agencies (e.g. the police) understand the location of declared dangerous dogs to ensure public and officer safety. This information must also be collated and easily accessible by DAS rangers for monitoring and follow-up. DAS rangers must be able to identify and verify a dangerous dog's identity in case they encounter the dog outside the context of the owners' property.

Policies relating to dangerous dogs and other restrictive classifications must be evidence based and reasonable. Poor public policies that generalise responses based on a dog's breed or other factors, fail to account for issues such as provocation and the reasonable perception of incidents by complainants. For example, injury sustained by an animal following its invasion of the accused animal's property should be managed by penalising the at-large (invading) animal and should not result in the punishment of the dog that resides at the property, providing fencing is deemed adequate. It is noted that DAS currently assesses dangerous dog cases based on the individual circumstances of each case. This practice should continue.

To support owners to appropriately care for and control dangerous dogs, the ACT Government should provide information on where appropriate equipment to keep dangerous dogs can be sourced (e.g. suppliers of signs, collars, enclosures and muzzles). Providing this information need not be an endorsement of individual suppliers, however, the information should be easily accessible to the public (e.g. through the DAS website).

The owners of dangerous dogs should be able to apply to the ACT Government to revoke a dangerous dog declaration. This ability is available in other Australian jurisdictions³² and allows discretion to be provided in cases where an attack was less serious in nature, where rehabilitation of the attacking dog has taken place, or where other factors are relevant. Considerations may include but are not limited to: the age and health of the dog; changes in ownership; owner compliance with educational and/or training criteria; or following evaluation of the dog in common life situations to determine whether the classified behaviour has in fact been remediated.

Dogs used for hunting present a potential risk to the community as a result of their trained prey-drive. Although the ACT is a small jurisdiction and hunting activities are considered to be uncommon, it is recognised that people living in the ACT keep dogs for the purposes of hunting in other Australian jurisdictions (e.g. New South Wales). A separate category to record the details of hunting dogs should be created and linked to a dog's registration. In addition, dogs used for hunting should be able to be physically identified by the community and DAS rangers (e.g. a coloured collar).

It is not recommended that all hunting dogs be defined as dangerous dogs as is the case in other Australian jurisdictions.³³ This is because, similar to breed specific legislation, declaring all hunting dogs as dangerous fails to take into consideration the individual nature and circumstances of each dog (e.g. prey drive, training, socialisation).

³² For example, the NSW *Companion Animals Act 1998* (section 39).

³³ For example, the NSW *Companion Animals Act 1998* (section 33).

Breed specific legislation

ACT Government is commended for not introducing breed specific legislation.



It has been demonstrated that breed specific legislation does not reduce the occurrence or severity of dog attacks³⁴ and has resulted in significant financial costs to governments internationally (e.g. kennelling, euthanasia, DNA analysis and legal costs)³⁵ and in other Australian jurisdictions through challenges to local government decisions.³⁶

Studies which considered the instance of dog bites prior to, and following, the introduction of breed specific legislation, show no impact on bite rates following the introduction of such legislation.³⁷ In addition, variations within breeds means there is insufficient evidence to predict a given dog's propensity for aggressive behaviour based solely on its breed.³⁸

Concerningly, breed specific legislation provides a false indication to the community that some breeds of dogs are 'safer' than others. The reality is all dogs bite and can be dangerous if not managed appropriately.

It is unanimously recommended that any proposal to introduce breed specific legislation should be resisted.

³⁴ Parliament of Victoria Legislative Council Economy and Infrastructure Committee, *'Inquiry into the legislative and regulatory framework relating to restricted-breed dogs'* 23 March 2016, Victorian Government Printer (online) <https://www.parliament.vic.gov.au/eic/inquiry/404>, pxiii.

³⁵ Lindsay Marchello, 'Laws targeting certain dog breeds are costly, ineffective, and common', *Reason* (online), 7 April 2017, <http://reason.com/blog/2017/04/07/breed-specific-legislation-are-costly-an>.

³⁶ Lucinda Schmidt, 'Councils face big legal fees over banned dog laws', *The Age* (online), 21 April 2014, <https://www.theage.com.au/national/victoria/councils-face-big-legal-fees-over-banned-dog-laws-20140420-36ywx.html>

³⁷ Summarised in Janis Bradley, 'Dog bites: problems and solutions' (2014) *Animals and Society Institute* (online), http://www.nationalcanineresearchcouncil.com/sites/default/files/Dog-Bites-Problems-and-Solutions-2nd-Edition_0.pdf, p 13.

³⁸ Deborah Duffy, Yuying Hsu and James Serpell, 'Breed differences in canine aggression' (2008) 114 *Applied Animal Behaviour Science*, p 452.

Recommendations:

19. The ACT Government should be active in promoting and facilitating the development of a national dangerous dog database that all states and territories participate in. The dangerous dog database should be interfaced with all relevant policing agencies.
20. DAS should document and ensure a sophisticated approach for assessing whether an attacking or harassing dog is a danger to the community.
 - This approach should ensure discretion in decision making and consider a number of factors on a case by case basis. Considerations should include whether the dog was reasonably provoked (e.g. invasion of yards by other animals).
 - Attacks to humans should be assessed based on the severity of injury and individual circumstance.
21. The ACT Government (or relevant court) should have the ability to revoke a dangerous dog declaration if satisfied that the animal no longer poses a threat to the community.
22. DAS should provide information to support the responsible keeping of dangerous dogs.
23. Dangerous dog procedures should be made publicly available to increase transparency and community confidence in the process.
24. DAS should introduce a separate category of registration for hunting dogs. These dogs should be publicly identifiable (e.g. a coloured collar).
25. The ACT Government should not introduce breed specific legislation.

Seizing and impounding dogs

In case of serious attack, human fatality, or clear danger presented by a dog, DAS must have the ability to legally seize dogs for public safety.

However, seizures should only be for the time necessary to determine facts that either support or contradict a need for DAS secure impoundment. Limiting the number of seizures, and actively working to reduce length of stay in secure kennels, will improve animal welfare outcomes and assist in reducing kennelling costs for DAS.

Similarly, there are very few reasons for the immediate seizure of a dog involved in a minor incident or less serious attack (e.g. not registered, nuisance or harassing, Levels 1 – 4 on the Dunbar Bite Assessment Scale). Dogs involved in serious or life-threatening attacks (e.g. Level 5 and 6 attacks on the Dunbar Bite Assessment Scale) should be held by DAS pending further investigation. With this in mind, it is noted that regardless of the extent of the attack, it is important that all circumstances in any attack are considered by DAS prior to making a final decision.

Initial investigation for cases involving seizure should be expedited to determine whether holding the animal is necessary for safety and control. Even in serious cases, mitigating circumstances such as provocation and the willingness and ability of the owner to comply with full dangerous dog conditions during the investigation, should be considered in order to improve animal welfare outcomes for the dog and reduce the cost of impoundment to DAS.

A valuable addition to the DAS tool set has been the ability to conduct 'home quarantine' with specific conditions, in appropriate cases, where the accused dog is not a clear and present danger to the

community and the owner(s) are perceived as responsible and cooperative enough to manage and secure the dog as the process proceeds.

Eligibility for home quarantine and the associated conditions should be proportionate to the incident. For example:

- Unregistered dogs should be subject to on the spot registration by a DAS ranger;
- Nuisance or harassing dogs should be eligible for home quarantine, however should be required to be leashed and muzzled in public pending the outcomes of DAS's investigation;
- A dog that has inflicted a Level 3A or B bite³⁹ should be subjected to stricter home quarantine conditions until DAS completes its investigation. For example, the requirement to be leashed and muzzled in public and restricted interactions with other dogs in public spaces (e.g. cafes or dog parks).
- A dog that has inflicted a Level 4 should be subject to home quarantine conditions that are as detailed and limiting as those that would be imposed should the dog be declared dangerous (i.e. a conservative approach should be applied).
 - Should the dog not be found to be dangerous, conditions can then be progressively reduced as its owners demonstrate compliance.
 - It is noted that this approach could have significant financial implications for owners whose dog is not found to be dangerous. To help reduce this burden, DAS could consider having a number of appropriate enclosures that are available to rent to the community.
- A dog that has inflicted a Level 5 or 6 bite should not be eligible for home quarantine.

With these processes in mind, lengthy impoundment should be avoided. Investigation of incidents is a key component to reduce length of stay for seized animals. Once an animal is identified, and after the risk the dog poses to people or other animals is considered, as long as control measures and follow-up are in place, the dog need not be maintained by DAS. This approach also improves animal welfare outcomes by allowing the dog to return to its home.

The process for relinquishing dogs to DAS should be reviewed and reflected in DAS's Standard Operating Procedures. Establishing barriers to relinquishment by cost, appointment, or other limitations does not constitute responsible action. Although this may result in more animals in care, limitations on relinquishment are likely to result in other complications such as abandonment or active neglect. This creates a separate burden on DAS resources. In order to reduce the time in stay and burden on DAS for relinquished dogs, active recruitment and partnering with dog rescue groups should be an integral part of DAS actions.

³⁹ All bite categories have been expressed in accordance with the Dunbar Bite Assessment Scale.

Recommendations:

26. Immediate seizure of dogs involved in less serious attacks (i.e. Level 3 or below on the Dunbar Bite Assessment Scale) should only occur as a last resort.
- Where possible, seizure of dogs should be a last resort. Actively working to reduce the length of impoundment will help to reduce costs to DAS and improve animal welfare outcomes. For example, dogs involved in animal incidents should be controlled but with the option for owner retention under conditions.
27. Home quarantine eligibility and conditions should be proportionate to the incident. For dogs involved in an attack that results in a Level 4 bite, conditions should be as detailed and limiting as those that would be applied should a dog be declared dangerous (i.e. a conservative approach).
- To reduce the short-term financial burden on owners DAS should consider renting dangerous dog enclosures to owners who are subject to home quarantine conditions.
28. DAS should remove barriers to relinquishment of animals (e.g. costs, appointments, or any other limitation).
- Consideration should be given to options to partner with rescue groups for relinquished dogs as an alternative to impounding them at DAS facilities.

Destruction of dogs

Some dogs are unsuitable for placement in a 'refuge' or other boarding facility. Relocating those dogs to another State or Territory is not an appropriate solution. For these reasons, it is important for government to have measures for the destruction of dogs that cannot be safely managed or safely placed in communities.

Preservation of a dog's life under 'sanctuary' or care conditions in which a dog cannot exercise the 'Five Freedoms'⁴⁰ (which include the ability to socially interact with other dogs and humans safely) is also not necessarily the most humane course of action.

Destruction of dogs, whether considered as personal property or as pets, must be by definition a conservative and well-considered option. Destruction of an animal by a single vote by a single body (for example, a local government council) is considered to be needlessly arbitrary and more likely to result in a legal or administrative challenge.

Before a dog is destroyed it must be assessed by someone suitably qualified and experienced in dog behaviour and the circumstances of any attack taken into consideration.

A Regulatory Advisory Committee type system (like the regulatory model currently used by TCCS) with diverse participants, is an appropriate method of ordering destruction of dogs when this is necessary. This process allows for more diverse opinion, careful consideration of options, and public transparency. Such transparency, which has been presented as a fundamental principle of DAS operations, increases public confidence in the entire process.

⁴⁰ United Kingdom Farm Animal Welfare Council, 'Five Freedoms' *National Archives (online)* (archived on 10 October 2012)
<http://webarchive.nationalarchives.gov.uk/20121010012427tf/http://www.fawc.org.uk/freedoms.htm>

Investigations

A standard procedure for investigation must be followed. General steps for investigation are provided in the flow-charts of DAS dangerous dog processes, but a full manual for investigations would provide uniformity of investigation across involved agencies.

Investigations should be conducted, either by rangers or by dedicated Investigators, according to recognised police-type best practices. These practices should include, at a minimum, a proper warning when applicable; the taking of statements and sworn affidavits; documentation of scene conditions; veterinary assessment, if appropriate, for involved or victim animals; proper collection and chain of custody for evidence. Other professional investigation standards, as directly applicable to animal cases, should be established.

Where possible, investigations should be completed within four weeks. This provides a clear timeframe for the community and those who are affected by a dog attack. This timeframe also limits the length of time a dog may be in the care of DAS (i.e. impounded).



Consideration should also be given to the use of DNA evidence in dog attacks to link the dog to the attack. Dog owners should also be given the option to avail themselves of DNA technology to defend dog attack allegations. It is noted that local government councils in Victoria use DNA evidence in dog attack investigations.⁴¹ Should this technology be adopted; DAS rangers would need to be trained in the collection of samples for DNA analysis.

⁴¹ Unknown author, 'When man's best friend becomes the enemy' *Sunday Herald Sun* (online), 20 January 2008, <http://www.heraldsun.com.au/news/victoria/beware-of-the-dog/news-story/812882d7b16cebed50f3b6a207d5721f>

Detailed investigation is crucial and the depth of recommended material needed in an investigation will be provided to DAS separately. This investigative depth can be adapted based on the objective severity of the incident, but many factors can affect an attack that are currently not under examination.⁴²

Regulatory Advisory Committee

The RAC process is considered to be a best-practice approach to decision making and following its implementation in the ACT is now being considered for introduction in international jurisdictions.

Of particular interest to the panel are the supporting statements regarding the establishment and protocols for the RAC. The RAC process provides an option to bring any matter of debate before a group of professionals so that wide input and diverse opinions can be sought when there is a significant issue at hand. This process is much clearer than similar processes in some other Australian and international jurisdictions where significant decisions are left to the responding ranger or, at best, to an available supervisor. This formal, clear, and widely-based process provides a robust approach for dealing with complex and serious issues.

This process should continue to be used to guide investigations and decision making. DAS should consider including members in the RAC who are independent from DAS and have knowledge and skills to increase the efficiency and justice of the process. For example, this might include officers from another area of government who understand animals, investigations and/or a government vet.

Internal reviews

Internal reviews and hearings must be made more available to owners.

Although a review process exists in that the Registrar reviews and makes decisions based on the recommendation of the RAC, adding an intermediate review process prior to Registrar consideration of the issue would improve transparency and public buy-in to decisions.

The RAC process should, and is expected to, reassure affected parties that more than a single person is involved in the decision-making process and that decisions are not arbitrary. Any internal RAC review processes should be clearly outlined in Standard Operating Procedures so affected parties understand the process to request a review. For example, affected parties should understand how to request a review of the Senior Deputy Registrar's initial decision prior to a final decision by the Registrar. This approach has the added benefit of reassuring dog owners that the investigation has been detailed and assures all parties that the matter is serious.

Inclusion of a RAC review, as outlined above, is expected to address many concerns of the affected parties before a formal decision is made. As a result, this approach could save owners and government time and money and reduce stress on the legal system.

The availability of reviews will also, over time, increase public confidence in the transparency and fairness of the dangerous dog process.

⁴² Daniel S. Mills and Carri Westgarth, *Dog Bites: A Multidisciplinary Perspective* (5m publishing, Sheffield, UK 2017), pp 205-239.

Recommendations:

29. Investigation processes, including the dog attack workflow, should be reviewed with the aim of standardising and streamlining the process. Of note:
- DAS should continue to use the Dunbar Bite Assessment Scale as a consistent approach to clarify incident and assist in decision making.
 - Standard operating procedures should be updated to ensure all dog attack victims are offered the opportunity to complete a victim impact statement.
 - Where possible, investigation processes should take no longer than four weeks.
30. Dog owners should have the option of commissioning an independent behavioural/temperament assessment of a dog that has been involved in an attack and is being investigated by DAS.
31. DAS should consider the use of DNA evidence in dog attacks to link the dog to the attack.
- Dog owners should also be given the option to avail themselves of DNA technology to defend dog attack allegations.
32. The process for internal review should be clearly outlined in Standard Operating Procedures to ensure it is accessible to people affected by dog attacks.
- A recommended option is to provide information on how to request a review of the Senior Deputy Registrar's initial decision prior to a final decision by the Registrar.

Enforcement

Fair and equitable enforcement of violations of the Act and associated rules and regulations is essential.

Policy can be set by DAS to provide options to avoid or comply with full enforcement consequences. For example, an infringement fine may be avoided if an approved training course is attended. Enforcement starts with education, but consequences must be strong enough to deter future offences and be predictable. Additionally, increasing fines should be available for members of the community who demonstrate a pattern of behaviour (e.g. repeated use of on-lead areas for off-lead activities).

Recommendation:

33. Escalating and/or alternative enforcement measures should be considered and adopted by DAS where appropriate.



4. Transitioning to be an international leader in animal management

Making the ACT a pet-friendly and safe community should be at the core of the mission of DAS.

Collaboration between DAS, the ACT community and prospective partners will be critical to this goal.

In order to achieve this mission, DAS will need to move beyond just responding to existing community drivers to fostering an environment where animal welfare outcomes are promoted and people are empowered to be responsible pet owners.

This section provides a blueprint for reform to facilitate this transition to occur.

Case study: The Calgary Model – international best practice

The Calgary Model is a responsible pet ownership model of animal management. Developed in Alberta, Canada this revolutionary approach to animal management sought to define the roles and responsibilities of humans in the human-dog relationship.

This approach considered whether the expectations placed on dog owners were reasonable and achievable by the average person and that they were also in the best interest of the pet animal.

The outcome was the identification of five principles of responsible pet ownership:

1. Licence (register) and provide permanent identification for your pet.

The license and identification are the pet's ticket home. It provides for a fast return of lost or stray animals and reinforces the owner/guardian is responsible for their animal's actions.

2. Spay and neuter your animal.

Unless owners are qualified breeders, or working with a qualified breeder, de-sexing is beneficial for both the community and the animal.

3. Provide the proper training, socialization, diet, exercise, medical care and grooming for your pet.

These are basic things that help an animal to be healthy, happy and well balanced. Typically, they are important contributors to good pet behaviour.

4. Don't allow your pet to become a threat or nuisance in the community.

No one ever complains that a neighbour's dog is too well behaved. What government does hear about is dogs left to run at large in the community, behaving aggressively towards people or other animals, getting into people's garbage and/or damaging property.

5. Responsible procurement of pets.

This starts with owners picking the right pet for their lifestyle. People should be wary of 'fad' dogs that are being produced to feed a market demand. Ideally, dogs should be adopted or rescued or if people have something specific in mind, sourced a reputable breeder.

The Calgary Model resulted in a dog registration compliance rate of 97 – 98 per cent within the community. This is compared to a compliance rate of approximately 10 – 20 per cent in the United States under 'successful' punishment/taxation-type enforcement schemes for dog registration.

4.1 How does the ACT become an international leader?

Communities are unique and programs that yield successful results in one community may not work in another.

In recognition of this, applying best-practice models that work in other cities, to the ACT, is unlikely to achieve the buy-in and confidence of Canberrans.

In order for Canberra to become an international leader where animals are responsibly managed and successfully integrated into everyday life, the ACT Government needs to understand what drives Canberrans, and ultimately what the 'Canberra Model' looks like.



Developing the 'Canberra Model'

There are a number of practical measures that are known to reduce the instance of dog attacks. These measures are outlined in detail in section 3 of this report.

In order to create a best-practice regulatory environment, DAS must determine how to empower the community to adopt and comply with these measures and must reward people for being responsible pet owners. Effective marketing and productive partnerships with animal welfare and industry groups will be important for the success of any proposed measures.

In order to develop the 'Canberra Model' and encourage the community to be actively engaged, a six-step process is recommended:

- 1. Identify issues:** The ACT Government should engage with the community and industry professionals through targeted stakeholder and open public forums to determine what issues matter to Canberrans. This approach allows the ACT Government to gather credible facts and information, rather than implement solutions that may have worked in other jurisdictions but are not suitable in the ACT context.
- 2. Engage the community:** the ACT Government should then engage stakeholders on what they have heard. Through this process it is important to look for validation for key measures and engage the community on possible solutions. For example, this may include discussing what rewards would encourage Canberran's to sign up for a regular registration.
- 3. Develop regulatory processes that work:** once the ACT Government understands what matters to the community, it can start to build administrative and regulatory processes that work in the ACT context. This may include registration programs that are easily accessible and market sensitive to price and/or regulations and corrective actions that can respond quickly and effectively to community feedback.
- 4. Educate the community:** once changes in administrative and regulatory processes are developed ACT Government can then educate the public about the new system. This should include information on why the proposed changes make the community safer and stronger. This needs to include information about what it means to be a responsible pet owner in Canberra.
- 5. Demonstrate the consequences of non-compliance:** once the new system is in place, it is important for ACT Government to 'back up' any changes to the new regulatory environment by strict enforcement of non-compliance. There should be zero tolerance approach with significant consequences for non-compliance.
- 6. Measure and undertake continuous improvement activities:** finally, it is important to measure progress in the new regulatory environment to determine whether things are getting better, getting worse, or staying the same. This requires good baseline information and data and the outcomes will guide the next step towards continuous improvement.

An example of international best practice is the Calgary Model. This model was created using the steps above specifically for the Calgary community. As such, the features of the Calgary model cannot be directly applied to Canberra. However, the process is applicable to all communities and if followed can guide the development of a model that meets the Canberra community's needs.

Recommendation:

34. The ACT Government should commit to following the process outlined above, adapted as appropriate for the Canberra community, in order to undertake meaningful engagement and develop the 'Canberra Model' to improve outcomes for dogs, their owners and the broader community.

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Appendix A: Final Terms of Reference

INDEPENDENT REVIEW INTO THE MANAGEMENT OF DOGS IN THE ACT

Terms of Reference

Terms of Reference

Background

- 1) The Minister for Transport and City Services and the Transport Canberra and City Services Directorate (TCCS) committed to an independent review into the administration of the *Domestic Animals Act 2000* (the Act) and regulatory environment.
- 2) On 29 November 2017 the ACT Legislative Assembly passed the Domestic Animals (Legislation Amendment) Bill 2017 which introduced a suite of changes to the Act and increased enforcement powers in relation to dogs with a focus on community safety and responsible ownership.
- 3) TCCS will convene a panel of experts to examine and make recommendations on the administration of the Act no later than 28 February 2017.

The Panel

- 4) The Panel of experts will consist of a total of four expert panel members (a chair and panel members) appointed by the Minister and TCCS.
- 5) The Panel will also include a fifth member, the reviewer, who is responsible for meeting with the Panel, guiding the Panel, collating all information and preparing and finalising the review in conjunction with the expert Panel members.

Scope of the Review

- 6) The Panel must undertake an independent review of the administration of the Act and the regulatory compliance response model being used by Domestic Animal Services, particularly in respect of dogs. This is to include:
 - a) a review of operations by Domestic Animal Services (DAS) and whether DAS is effective in administering the Act and achieving good outcomes. This includes a high-level review of policies and procedures, and processes followed by DAS officers, including the Regulatory Advisory Committee;
 - b) an examination of processes and practices around animal registration, control of dogs, attacking or harassing dogs, dangerous dogs, seizing dogs, impounding dogs, destruction of dogs, exercise of investigation and enforcement powers and responsibilities, handing dogs back and licensing of dangerous dogs; and
 - c) a review of current education and awareness strategies, and whether these are effective and best-practice.

- 7) Consideration should be given to:
 - a) the ACT Animal Welfare and Management Strategy 2017-2022;
 - b) the current legislative framework;
 - c) resourcing;
 - d) the service delivery model for administration of the Act;
 - e) international best-practice, in particular case studies and models used in other jurisdictions, and the outcomes of other similar reviews; and
 - f) community education and awareness.
- 8) The Panel should have meetings (teleconferences) with key internal stakeholders, including relevant managers and staff.
- 9) The Panel is to make any recommendations it considers appropriate to the Minister for Transport Canberra and City Services, having regard to the Terms of Reference and with a particular focus on any potential improvements to achieve responsible dog ownership and the best possible animal welfare and community safety outcomes while remaining a pet friendly city.
- 10) Recommendations could include both responsive and preventative measures, for example improvements to controls, policies, processes and/or education programs.
- 11) Some questions for the panel to consider are:
 - a) how can the ACT Government better educate, inform, motivate and rally the community on responsible dog ownership;
 - b) what further steps can be taken to reduce the incidence of dog attacks;
 - c) what would make the ACT best-practice and world leading in dog management;
 - d) how can the ACT Government work to achieve better community safety and animal welfare outcomes within the scope of the Domestic Animals Act, whilst also respecting owner's and being a pet-friendly city; and
 - e) is there currently a consistent and best-practice approach to the administration and enforcement of the Act.
- 12) Any recommendations should have regard to the costs and impacts of implementation on the public, Government and businesses.

Appendix B: Recommended data collection

A robust baseline dataset is essential to understanding DAS performance and measuring the results of programs relating to the management of dogs in the ACT.

A more sophisticated approach to data collection should allow for the differentiation of different types of attacks (e.g. rather than grouping all attacks on people together, it should be possible to determine whether the attack was intentional or whether it was accidental, for example when a person receives a dog bite when intervening between two dogs).

An improved data collection process should, at a minimum, contain the following information:

- Numbers of dogs.
- Reproductive status of all registered dogs.
- Accurate bite records, including:
 - Age, sex, and reproductive status of biting dogs.
 - Locations of dogs with cautions or conditions.
 - Identification of repeat biters.
 - Nature of dog attack (e.g. attack on human, dog or other species, whether the dog intended to attack a human or whether it was accidental).
 - Full demographics (age, sex, basic health, etc.) of bite victims.
 - Location and circumstances of bite incidents (e.g. presence of owner, mitigating circumstance including provocation of attack or human (other than the registered owner) error).
 - Non-bite menacing incidents.
 - Severity of all bites using a recognized and quantifiable bite assessment tool. It is recommended that the Dunbar Bite Assessment Scale continue to be utilised.
 - Person(s) listed as owners of dogs and therefore responsible for damage by said dogs.
 - Relevant environmental factors (e.g. weather, season).

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