

## ***Dogs in Society Position Paper***

### **Legislation to prevent dog attacks**

ACAC is concerned about the effective management of dangerous dogs within the community and minimising the harm to public safety posed by dangerous dogs.

#### **Background**

For over a decade the Federal Government has prohibited the importation of four breeds of dog into Australia, these being the American Pit Bull Terrier, the Argentinian Dogo, the Brazilian Fila and the Japanese Tosa.

Following the introduction of this legislation, some State Governments have subsequently passed legislation that places restrictions on the ownership of dogs of these and other breeds. In other States, dangerous dog legislation does not target specific breeds. The terms “dangerous dog” and “restricted dog” are used in varying contexts, and their definitions vary from State to State. Restricted and dangerous dogs may be subject to range of conditions relating to breeding, sale or disposal, identification, control, housing and even total and retrospective bans.

To protect the community from dangerous dogs, ACAC supports reasonable, enforceable State and Local Government laws that govern ownership of dogs and that:

- establish a fair process by which individual dogs are identified as dangerous based on codified measurable actions;
- impose penalties on irresponsible owners commensurate with the seriousness of breaches, and
- establish a well-defined method for dealing with dogs proven to be dangerous.

ACAC does not support legislation that restricts or bans certain dogs, based solely on the basis of their breed, on the grounds that such legislation is ineffective, difficult to enforce and discriminatory.

### **Control of dangerous dogs**

ACAC believes that an effective strategy to reduce the incidence of dog attacks in Australia requires the implementation of legislation for the control of dangerous dogs, together with programs that promote safe and sensible behaviour around dogs and educate the public about responsible dog ownership.

ACAC believes that legislation for the control of dangerous dogs should focus on the identification and control of individual dogs that have been shown to behave aggressively.

A dog should be defined as dangerous following known incidents of aggression. Once an individual dog has been shown to behave aggressively, then appropriate control and management strategies for the dog can be implemented. A dog that has been trained to attack people or animals, or is kept as a guard dog on non-residential premises, may also be deemed dangerous.

## **Breed specific legislation**

ACAC believes that the banning or restricting of specific breeds of dog will not be effective in reducing the overall incidence of dog bites in the community. ACAC believes that any restrictions should be based on the individual dog's behaviour not its breed or appearance.

Genetics, previous learning environment and the current environment are some of the factors that have been identified as important in determining whether a dog will be aggressive in a particular situation. Dogs of all breeds have the potential to display aggression, but only a small proportion of dogs in the community behave aggressively towards humans. Aggressive behaviour is not exhibited uniformly within breeds and individuals in normally placid breeds may exhibit uncharacteristic behaviour. A dog's breed is not a reliable indicator of its potential to exhibit aggressive behaviour.

In the majority of dog attacks, the breed of dog responsible is not able to be accurately determined. When dog attacks can be attributed to a particular breed, the breeds represented tend to reflect their relative popularity in the community. Nearly half the dogs in Australia are crossbreeds, which do not demonstrate a consistent breed type.

Legislation that bans or places restrictions on specific breeds has proven to be ineffective in reducing the incidence of dog attacks in other countries, such as the U.K. and U.S.A. Complete bans on certain breeds are difficult to enforce and may lead to the formation of an underground network of breeders and owners of unregistered dogs. Discrimination against certain breeds may also lead to a misconception that other breeds are not dangerous, so that dog owners may not appreciate the potential risks posed by their dogs, and fail to manage them responsibly.

Breed specific legislation is also difficult to enforce without a definitive method of identifying dog breeds. No DNA tests are available to differentiate between breeds of dog. In the absence of a pedigree or registration documents, breed must be determined by visual appraisal of a dog's physical characteristics. Identification of crossbreeds, and distinguishing between breeds that closely resemble each other, can be difficult.

Legislation that restricts or bans certain dogs, solely on the basis of their breed or appearance is ineffective, difficult to enforce and discriminatory.