

COMPANION ANIMALS TASKFORCE

**REPORT TO THE MINISTER FOR LOCAL GOVERNMENT
ON THE MANAGEMENT OF DANGEROUS DOGS IN NSW**

FEBRUARY 2013

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DEFINITIONS

<i>CA Act</i>	means the <i>NSW Companion Animals Act 1998</i>
<i>CA Fund</i>	means the Companion Animals Fund, comprising registration fees collected by councils and registration agents
<i>CA Register</i>	means the NSW Companion Animals Register
<i>CA Regulation</i>	means the NSW Companion Animals Regulation 2008
<i>Chief Executive</i>	means the Chief Executive of the Division of Local Government, NSW Department of Premier and Cabinet
<i>Companion animal</i>	means a cat or a dog (in line with section 5(1) of the CA Act)
<i>Desex</i>	means to render an animal permanently incapable of reproduction, usually by way of removing reproductive organs (often also referred to as 'spay' or 'neuter')
<i>Division</i>	means the Division of Local Government, NSW Department of Premier and Cabinet
<i>DPI</i>	means NSW Department of Primary Industries
<i>Guideline on the exercise of functions</i>	means the <i>Guideline on the Exercise of Functions under the Companion Animals Act</i> , issued by the Chief Executive
<i>POCTAA</i>	means the <i>Prevention of Cruelty to Animals Act 1979</i>

EXECUTIVE SUMMARY

BACKGROUND

The Companion Animals Taskforce was established by the Minister for Local Government and the Minister for Primary Industries in 2011 to provide advice on key cat and dog issues. In November 2012, the Taskforce submitted a report to the Ministers which set out recommendations primarily relating to strategies to reduce the current rate of cat and dog euthanasia.

The Taskforce also identified dangerous dog management as a high priority issue requiring further consideration. However, due to the complexity of the issue, the Taskforce determined that it would deal with this as a separate matter. This report presents key findings and recommendations on this issue for the consideration of the Minister for Local Government.

Section B of this report provides an overview of the existing NSW dangerous dog management framework, including key dog attack data and council powers to manage dangerous and restricted dogs. It also highlights that the actions of dog owners has a crucial influence on the behaviour of dogs in domestic settings, and that socially responsible pet ownership plays a pivotal role in limiting the impact of such dog behaviour.

Section C of this report provides an overview of the consultation undertaken by the Taskforce on dangerous dog management issues. This included targeted consultation with representatives of the Australian Veterinary Association (AVA), local councils, the Faculty of Veterinary Science at the University of Sydney, and Sydney Children's Hospital.

The views expressed in submissions to the Taskforce's discussion paper of May 2012 (which also informed the earlier work of the Taskforce), have also been taken into consideration. The Taskforce also considered the NSW Coroner's findings into the 2009 dog attack related death of Ruby-Lea Burke in Whitton and consulted with representatives of Leeton Shire Council, which is the local government area where the attack in question took place.

KEY FINDINGS AND RECOMMENDATIONS

The key findings contained in section D of this report highlight that the current dangerous dog management framework in NSW is working effectively. However, the report recommendations (also outlined in section D) aim to strengthen this system to improve the management of dangerous dogs and provide better public safety outcomes for local communities.

The recommendations, which address four key areas of enquiry, are outlined below:

1. Powers of councils and courts

Recommendation 1.1 - Amend the CA Act to introduce a "potentially dangerous" dog category.

Recommendation 1.2 - Introduce provisions in the CA Act for a "dangerous" or "potentially dangerous" dog declaration to be revoked if behavioural training is undertaken for the dog in question and the council is satisfied that it is appropriate to do so.

Recommendation 1.3 - Update the dog attack reporting framework to more clearly differentiate between "dog attacks" and less serious incidents involving dogs.

Recommendation 1.4 - Review existing powers of council officers under the CA Act relating to the seizure of dogs subject to dangerous or restricted dog declarations for the purposes of identification.

Recommendation 1.5 - Review the statute of limitations under which councils can prosecute dog attack offences to ensure that it is in line with other relevant legislation.

2. Resources for councils and enforcement agencies

Recommendation 2.1 - Introduce annual registration of cats and dogs and a breeder licensing system to improve the ability of councils to track dangerous dogs throughout their lifecycle.

Recommendation 2.2 - Develop a model behavioural assessment for the use of councils and other impounding agencies.

Recommendation 2.3 - Provide funding for research into dangerous dog issues.

Recommendation 2.4 - Improve the dissemination of information about disqualified animal owners.

3. Cross-agency and cross-jurisdictional approaches

Recommendation 3.1 - Develop a Memorandum of Understanding template for use by councils and NSW Police regarding the enforcement of the CA Act.

Recommendation 3.2 - Develop a Memorandum of Understanding between councils, animal welfare organisations and relevant State Government agencies to standardise information sharing protocols in relation to dangerous and potentially dangerous dogs.

Recommendation 3.3 - Strengthen cross-agency delivery of educational resources on dog attack and dangerous dog issues.

Recommendation 3.4 - The Minister for Local Government and NSW Attorney General should write to the Federal Attorney General to request that a cross-jurisdictional working group be established to develop a national dog attack and dangerous dog database.

Recommendation 3.5 - Amend the CA Act to allow councils to automatically declare a dog to be “dangerous” or “potentially dangerous” if they receive confirmation that the dog is the subject of such a declaration in another jurisdiction.

Recommendation 3.6 - Establish a working group to improve dog attack data captured by hospitals and general practitioners.

4. Education

Recommendation 4.1 - As part of a community-wide socially responsible pet education campaign, review and update existing dog bite prevention and dangerous dog management educational resources for the public, councils and other agencies.

A. INTRODUCTION

The Companion Animals Taskforce was established by the NSW Minister for Local Government and the Minister for Primary Industries in August 2011.

The Taskforce Terms of Reference require it to inquire into:

- Euthanasia rates and re-homing options for surrendered or abandoned cats and dogs
- The breeding of cats and dogs including the practices of 'puppy farms'
- The sale of cats and dogs
- The microchipping and desexing of cats and dogs
- Current education programs on 'responsible pet ownership'
- Any other high priority cat and dog issues that becomes apparent to the Taskforce.

The Taskforce is chaired by the Member for Charlestown, Mr Andrew Cornwell MP, and consists of representatives of the following organisations, invited by the Ministers:

- Animal Welfare League NSW (AWL NSW)
- Australian Companion Animal Council (ACAC)
- Australian Institute of Local Government Rangers (AILGR)
- Australian Veterinary Association (AVA)
- Cat Protection Society of NSW (CPS)
- Dogs NSW
- Local Government and Shires Associations of NSW (LGSA)
- Pet Industry Association Australia (PIAA)
- Royal Society for the Prevention of Cruelty to Animals NSW (RSPCA)

Representatives of the Division and DPI also participate on the Taskforce.

In November 2012, the Taskforce submitted a report to the Ministers which set out 22 recommendations addressing issues related to the Taskforce Terms of Reference. During the development of its report, the Taskforce also identified dangerous dog management as a high priority issue requiring further consideration. However, due to the complexity of the issue, the Taskforce determined that it would deal with this as a separate issue.

B. BACKGROUND

Dog attacks

Under the CA Act, a dog attack can include any incident where a dog rushes at, attacks, bites, harasses or chases any person or animal (other than vermin), whether or not any injury is caused to the animal or person.

Since 1996, NSW Councils have reported dog attack data to the Department of Local Government (now the Division). While reporting practices improved over time, there were concerns that councils were not reporting all dog attacks reported to them by members of the public.

To address this issue, the CA Regulation was amended in February 2009, to require councils to record dog attacks on the CA Register within 72 hours of receiving information about an attack. This has resulted in a significant increase in the number of dog attacks reported to the Division by councils (see figure 1 on the following page).

Figure 1 – Dog attack incidents reported to the Division of Local Government

Year	2004/05	2005/06	2010/11	2011/2012
No. of attacks	873	1,182	5,140	5,650

Source: Department/Division of Local Government Dog Attack Data reports.

While the data in figure 1 indicates that the number of reported attacks is high and continues to rise, the following factors should also be taken into consideration:

- Councils are required to report all incidents they are made aware of, even if no injury occurs. For example, 53% of dog attacks on humans reported to councils in 2010/11 resulted in no injury.
- Not all attacks are on humans. For example, in 2010/11, 61% of dog attack victims were animals. However, it is noted that 44% of attacks on animals in 2010/11 resulted in death and a further 21% resulted in serious injuries (requiring hospitalisation or veterinary treatment).
- The overall reported rate of attack in NSW is relatively low. As at 30 June 2011, there were 1,562,140 dogs identified on the CA Register. There were 6,847 dogs (or 0.4 dogs in every 100 identified on the CA Register) involved in attacks in 2010/11. However, the Taskforce highlights that any dog attack that results in injury should be considered serious.

In recent years, the NSW Coroner has conducted inquiries into the deaths of a number of people as a result of dog attacks. In 2011, the Coroner handed down his findings into the death of Ruby Lea Burke by dog attack at Whitton in January 2009. Amongst the several recommendations contained in Coroner's report was a recommendation that the Minister for Local Government refer the report findings, including its recommendations about the management of dogs and investigation of dog attacks, to the Taskforce for consideration in providing advice to Government on companion animal issues.

The Taskforce has considered the Coroner's findings as part of its deliberations and has also consulted with Leeton Shire Council, which is the local government area where the attack in question took place (see section C – Consultation, below).

Powers of councils and courts to manage dangerous and potentially dangerous dogs

The CA Act provides strong powers for councils to manage dangerous and potentially dangerous dogs, including: declaring a dog to be a dangerous dog, issuing warning or penalty notices to the dog owner, issuing a nuisance order, seizing an attacking dog within 72 hours of an attack, or where appropriate, destroying an attacking dog that has been surrendered to council by its owner.

Local courts also have the power to declare dogs to be dangerous, issue control orders on dogs to prevent them from behaving in certain ways, and issue destruction orders on attacking dogs in certain circumstances.

Many of these powers were introduced on the commencement of the CA Act. However, the dangerous dog provisions of the CA Act were significantly updated in 2005 and 2006.

In applying these powers, council officers and local courts must have consideration for the circumstances of particular incidents, as well community expectations. In many circumstances, councils will take multiple actions to address dangerous or potentially dangerous dogs.

Dangerous dogs

A council officer or a local court can declare a dog to be dangerous if it:

- has, without provocation, attacked or killed a person or animal (not including vermin), or
- has, without provocation, repeatedly threatened to attack or repeatedly chased a person or animal (not including vermin), or
- has displayed unreasonable aggression towards a person or animal (not including vermin), or
- is kept or used for hunting (not including a dog used for locating, flushing, pointing or retrieving birds or vermin).

Declared dangerous dogs are subject to stringent control provisions, including:

- mandatory microchipping, lifetime registration and desexing,
- a ban on being left in the sole charge of a person under the age of 18 years,
- prescribed enclosure requirements for the property where the dog is ordinarily kept (its owner must also obtain a certificate of compliance from their local council, certifying that the enclosure meets the regulatory requirements),
- mandatory muzzling and secure leashing of the dog at all times when it is outside the enclosure where it is ordinarily kept (except in the case of a declared dangerous hunting dog, when it is hunting)
- prescribed dangerous dog warning signs which must be displayed on the premises where the dog is ordinarily kept
- the dog must wear a prescribed collar at all times.

Additionally, the owner of a declared dangerous dog must notify the local council of the area in which they live if:

- the location at which the dog is ordinarily kept changes (as soon as practicable after the change of location)
- the dog, with or without provocation, attacks or injures a person or animal, other than vermin (within 24 hours of the attack or injury).
- the dog cannot be found (within 24 hours of the dog's absence being noticed)
- the dog dies (as soon as practicable after the dog's death).

It is also an offence under the CA Act for an owner to transfer ownership of a dangerous dog, accept ownership of a dangerous dog, sell (including give away) or advertise a dangerous dog for sale, and encourage a dangerous dog to attack a person or animal.

The CA Act contains strong penalties for offences involving dangerous dogs, ranging from:

- an on the spot penalty of \$220 for failing to ensure a dangerous dog wears a prescribed collar, up to
- 2 years imprisonment (and permanent disqualification from owning a dog or being in charge of a dog in a public place in NSW) and/or a maximum court imposed penalty of \$55,000 for a declared dangerous dog that attacks or bites a person as a result of the owner's failure to comply with control requirements.

Restricted dogs

In NSW, a restricted dog is one of the following: American pitbull terrier or Pitbull terrier, Japanese tosa, dogo Argentino (Argentinean fighting dog), fila Brasileiro (Brazilian fighting dog), or any other dog of a breed, kind or description, whose importation into Australia is prohibited by, or under, the *Customs Act 1901* of the Commonwealth (eg: Presa Canario).

Council officers may also declare a dog to be a restricted dog, if they believe it to be of one of the abovementioned breeds, or a cross-breed of any of those breeds. When a notice to declare a dog to be a restricted dog is issued by a council, the dog's owner can choose to have the dog's breed assessed by an approved breed assessor, who will confirm whether or not the dog is of a restricted breed or cross-breed of a restricted breed.

If a dog is assessed as a cross-breed of a restricted breed, the owner may obtain a certificate from an approved temperament assessor who will determine whether the dog poses a threat to the community or is likely to bite a person or animal, without provocation.

Strict control requirements and strong penalties for non-compliance apply to restricted dogs, in line with those which relate to dangerous dogs.

It is noted that restricted breed legislation has proven to be controversial since its introduction in NSW and other jurisdictions. Critics of this regulatory approach believe that it puts unjustified emphasis on certain breeds of dog, when any breed is capable of attack. Critics argue for an alternative regulatory approach to dangerous dog management, focussing on "the deed, not the breed", meaning that the dangerous or potentially dangerous actions of any dog, regardless of its breed, should be the primary focus of regulation.

It is also noted that a number of stakeholders, including some of those with whom the Taskforce liaised as part of the targeted consultation referred to in section C of this report, have raised concerns about the veracity of breed specific legislation.

The Taskforce acknowledges these concerns but also highlights that the restricted breed provisions of the CA Act are only one regulatory tool available to councils to manage dangerous and potentially dangerous dogs.

Socially responsible pet ownership

A critical influence on the behaviour of dogs in domestic settings is the actions of pet owners. Socially responsible pet owners are those who have an ongoing commitment to the welfare of their animals and take all necessary steps to limit the impact of their animal's behaviour. With respect to dogs, this includes factors such as:

- responsible breeding, in line with community standards and relevant regulations
- prospective owners making informed choices about the suitability of dogs for their lifestyle, prior to purchase (including understanding the traits of particular breeds and the ongoing costs of keeping and caring for them)
- properly socialising and training dogs at an early age
- microchipping dogs by 12 weeks of age and registering them by 6 months of age
- maintaining the physical and mental health and welfare of dogs over their lifetime (including providing appropriate shelter, nutrition, exercise and veterinary care)
- appropriately managing interactions between dogs and other animals and people, especially children.

The recommendations contained in section D of this report aim to limit the impact of dangerous dogs on society through the promotion of socially responsible pet ownership.

C. CONSULTATION

Companion Animals Taskforce discussion paper submissions

While the Companion Animals Taskforce discussion paper, released in May 2012, did not specifically canvass issues relating to dangerous dogs, a number of submissions received addressed related issues.

A small number of submissions called for the abolition of breed specific legislation. However, a similar number of submissions called for tougher restrictions for “pit bull terrier” type breeds. Other individual submissions suggested that: independent behavioural assessments be developed for declared dangerous dogs; more educational information to be made available to dangerous dog owners; councils be given more scope with regard to their ability to respond to dangerous and potentially dangerous dogs, and: the definition of a dangerous dog under the CA Act be clarified.

These views are acknowledged and it is noted that many were reiterated in the targeted consultation undertaken by the Taskforce in the development of this report (see following sub-section).

A summary of comments made in submissions regarding dangerous dogs can be found in Appendix 3 of the *NSW Companion Animals Taskforce report to the Minister for Local Government and the Minister for Primary Industries* (see “Other” comments tab).

Additional consultation on dangerous dog issues

In November 2012 the Taskforce convened a meeting of stakeholders at Parliament House to discuss options to refine the current regulatory and policy framework for dangerous dog management in NSW. The following stakeholders attended the meeting:

- *Dr Steven Ferguson and Dr Michael Hayward (AVA)*, who addressed the AVA’s recent policy paper “*Dangerous dogs – A sensible solution*”.
- *Mr Peter Skarlis and Mr Garry Stoll (Leeton Shire Council)*, who discussed powers available to councils to manage dangerous dogs. Mr Skarlis was involved in the response to a fatal dog attack in Whitton in 2009, and the subsequent Coroner’s report into the death.
- *Professor Paul McGreevy (Faculty of Veterinary Science at the University of Sydney)*, who specialises in the field of animal behaviour and provided an overview of his work into genetic indicators of aggression in dogs.
- *Dr Susan Adams (Paediatric Surgeon, Sydney Children’s Hospital)*, who shared her experience in paediatric dog bite treatment and provided information about the collection of dog bite data in NSW hospitals.

The recommendations contained in section D of this report have been developed by the Taskforce in consideration of the views expressed by stakeholders and those contained in discussion paper submissions.

D. KEY FINDINGS AND RECOMMENDATIONS

The Taskforce is of the view that the current dangerous dog management framework in NSW is generally working effectively. However, the recommendations outlined in this section aim to strengthen the system to improve the management of dangerous dogs and, consequently, provide better public safety outcomes for local communities.

1. Powers of councils and courts

Key findings

- The CA Act provides strong powers for councils and local courts to deal with attacking and dangerous dogs. However, the effectiveness of the CA Act depends largely on the initiative of councils to identify and deal with dangerous dogs in their area.
- Some councils have expressed concern that the CA Act provides limited discretion to respond appropriately to less serious incidents involving dogs (eg: where no injury occurs), and have suggested that broader powers and penalties should be made available to them.
- The existing dog attacks reporting framework for councils should be updated to provide clarity on the difference between “dog attacks” and less serious incidents involving dogs.
- Incentives for dog owners to undertake behavioural training for their declared dangerous dogs are limited. This situation is further compounded by a general perception that councils do not review applications to revoke dangerous dog declarations in a consistent way.
- Regardless of wide ranging regulatory requirements, responsibility for a dog's behaviour rests with its owner.

RECOMMENDATION 1.1

Amend the CA Act to introduce a “potentially dangerous” dog category

Numerous councils have raised concerns about the level of discretion available to council officers to respond to less serious incidents involving dogs. For example, there are concerns about the appropriateness of a council declaring a dog to be dangerous if it has rushed at someone (with no resulting bite or injury) on a single occasion. However, in such circumstances the issuing of a warning to the dog's owner may not be considered a strong enough response.

In some circumstances, councils are able to issue a nuisance order on a dog, which imposes control restrictions of a lesser nature on the dog. However, the ability of councils to issue a nuisance order in the circumstances described above is unclear, as the relevant provisions of the CA Act only apply to dogs that repeatedly run at or chase people or animals, or cause substantial damage to anything outside the property which they are kept.

It is also noted that councils may apply to the local court to issue a control order under section 47 of the CA Act. Such orders require the owner of a dog take a specified action or actions within the specified period to prevent, or reduce the likelihood of, the dog attacking or causing injury to persons or animals. However, some councils have expressed concerns that such orders are inconsistently applied by courts and that the process for obtaining such orders can be onerous.

The Taskforce notes that the AVA's *Dangerous dogs – a sensible solution* report (2012), argues for the establishment of a "Potentially dangerous dog" category, attracting control requirements that are less stringent than those applied to declared dangerous dogs. A tiered approach to dangerous dog regulation is also included in Victorian and Queensland legislation, which both provide a "menacing dog" category for dogs whose behaviour causes fear in a person or animal but have not necessarily attacked.

Council representatives also strongly support tiered dangerous dog regulation and have highlighted other advantages to such an approach, including:

- the potential for fewer dogs to be euthanased as a result of their owner's inability to comply with the stringent control requirements which apply to dangerous dogs
- a potential decrease in appeals and referrals to court by aggrieved dog owners
- a potential increased ability for some dog owners in lower socio-economic areas to meet the control conditions due to the reduced cost of compliance.

The Taskforce recommends that the CA Act be amended to provide a "potentially dangerous dog" category. This should specify the circumstances under which a dog could be declared "potentially dangerous", including where a dog is perceived as threatening or has been involved in a minor incident (ie: where no injury has resulted).

The amended CA Act should provide specific control requirements for such dogs, of a less onerous nature than those applicable to dangerous dogs. For example, the prescribed enclosure requirements for "potentially dangerous" dogs should, as a minimum, be childproof and prevent the animal's escape but should not prescribe the same degree of restriction as the enclosure requirements applicable to dangerous dogs. This also recognises concerns that prescribed enclosures under the CA Act may, in some cases, exacerbate the aggressive behaviour of such dogs rather than limit it.

As the discretion of councils will be crucial to the successful implementation of such a regulation, it may also be appropriate for the Division to issue advice to councils on the application of these provisions through the *Guideline on the Exercise of Functions*.

RECOMMENDATION 1.2

Introduce provisions in the CA Act for a "dangerous" or "potentially dangerous" dog declaration to be revoked if behavioural training is undertaken for the dog in question and the council is satisfied that it is appropriate to do so

Under the CA Act, the owner of a dangerous dog may apply to the council that made the declaration to have the declaration revoked, after a period of 12 months has elapsed. The Division's *Guideline on the Exercise of Functions* recommends that councils develop local policies to guide them in considering such requests, taking into consideration issues such as:

- the circumstances under which the dangerous dog order was issued
- the dog's current circumstances and behaviour in relation to the original order, including any behaviour modification training that may have been undertaken
- any behavioural assessment obtained by the owner from a licensed vet, animal behaviour specialist or other qualified professional.

The Taskforce acknowledges anecdotal evidence that some councils work proactively with the owners of declared dangerous dogs to encourage them to rehabilitate their animals. However, such an approach is not consistently applied across NSW and there is currently no framework to guide councils using such an approach.

There also appears to be confusion amongst some councils and dog owners about the applicability of the approved temperament assessor provisions of the CA Act for the purpose of behavioural assessments to support a dangerous dog revocation application. At present, temperament assessments by approved temperament assessors are only applicable to dogs proposed to be declared “restricted” by councils under section 58C of the Act (ie: those that council believes to be of a restricted breed or cross-breed of a restricted breed).

There are no restrictions on approved temperament assessors otherwise providing their professional opinion to a dog owner for the purposes of a behavioural assessment. However, as there are no “dangerous dog temperament assessment” provisions under the CA Act or Regulation, any such statements fall outside the scope of the legislation.

The use of behavioural training incentives for dog owners is a key feature of the “Calgary model” of dangerous dog management. This refers to the system introduced in the City of Calgary in the Alberta, Canada, which eschews breed specific legislation in favour of a more interventionist enforcement model in which regulatory officers attempt to determine the reasons why dog attacks have occurred and work with owners to address them. Rehabilitative animal behavioural training is a key focus of this model.

The Calgary model is also supported by stringent licensing (ie: registration) requirements, widespread desexing of non-breeding dogs, and in-school dog bite prevention training. Importantly, the Calgary model also includes an emphasis on the training of pet owners in responsible pet ownership principles. It is noted that, with the exception of widespread desexing, these principles also underpin the NSW companion animal framework.

The Taskforce recommends that the CA Act be amended to specify that a local council may revoke a “dangerous” or “potentially dangerous” dog declaration if the owner provides evidence that their dog has successfully completed behavioural training. However, the amendment should also specify that, before revoking any such declaration, the council must be of the opinion that it is appropriate to do so.

The Division should also issue information to councils on the application of these provisions through the *Guideline on the Exercise of Functions*, including:

- factors to be considered when determining if it is appropriate to revoke a “dangerous” or “potentially dangerous” dog revocation application (eg: ensuring any medical issues that may have led to the dog behaving in an aggressive manner are resolved, requesting that the dog’s owner(s) demonstrates an understanding of socially responsible pet ownership principles by completing a relevant course etc)
- encouraging councils to consider alternatives to issuing penalty notices for less serious incidents involving dogs, in appropriate circumstances (eg: by encouraging owners to undertake appropriate behavioural training for their dog).

The Taskforce also recommends that the CA Regulation be updated to specify a required level of behavioural training for this purpose. This should be equivalent to that provided by the Delta Society Australia’s Professional Dog Trainers Association (DPDTA), which is an accepted standard for behavioural training based on the principle of positive reinforcement (ie: no punishment) for the dog being trained. However, it will also be important for the Government to ensure that appropriate resources are allocated to the accreditation of suitable behavioural trainers, and that access to trainers is equitably distributed across the State.

The Taskforce also recommends that the Division develop a model behavioural assessment to assist: impounding and enforcement agencies assess the suitability of animals for rehoming; animal behaviourists when undertaking assessments, and: animal owners in determining the training needs of their dog (see recommendation 2.2).

RECOMMENDATION 1.3

Update the dog attack reporting framework to more clearly differentiate between “dog attacks” and less serious incidents involving dogs

Under clause 33A of the CA Regulation, councils must report to the Division any “dog attack” that they are made aware of. For this purpose, the legislation defines a “dog attack” as “an incident that involves or is alleged to involve a dog rushing at, attacking, biting, harassing or chasing a person or animal (other than vermin), whether or not any injury is caused to the person or animal”.

The CA Register dog attack reporting module allows councils to nominate the severity of the “dog attacks” they report. Councils must also determine the appropriate level of response to incidents within the discretionary powers available to them. However, there is concern that classifying all such incidents as “dog attacks” for reporting purposes may imply that a particular level of enforcement action be taken by a council. This reflects the appropriate public expectation that councils should respond strongly to dog attacks.

For example, when a council becomes aware that a dog has lunged at a person (with no bite or other resulting injury) this must be reported by the council as a dog attack. There may be a public expectation that a “dog attack” related penalty notice (attracting a \$550 fine) be issued by the council when it may consider that a lesser penalty (eg: “dog not under effective control”, attracting a \$220 fine) is a more appropriate response under the circumstances.

It is acknowledged that the significantly increased numbers of dog incidents reported to the Division by councils since the introduction of mandatory reporting in February 2009 has provided a more accurate picture of the number of incidents taking place in NSW. However, there is a concern that the current dog attack reporting framework may also somewhat overstate the extent of “serious” dog attacks that occur in NSW.

While the Division’s annual dog attack reports provide clear caveats on the interpretation of data, it is noted that summarised reports may present less detail about such data and little in the way of explanatory or qualifying information. Unclear data is misleading and unhelpful. For example, data can be misinterpreted as showing that serious dog attacks have increased significantly in recent years.

The Taskforce recommends that the Division update the CA Register based dog attack reporting module to allow councils to report two distinct categories:

1. “Dog incident” – for incidents of a lesser severity (eg: where a dog has or is alleged to have rushed at or chased a person or animal (other than vermin), but where the incident has resulted in no injury) and
2. “Dog attack” – for incidents of greater severity (eg: where a dog has or is alleged to have rushed at, attacked, bitten, harassed or chased a person or animal (other than vermin), and the incident has resulted in an injury (even if it is minor) or death).

As the discretion of councils will be crucial to the successful use of this reporting tool, the Division should also issue advice to councils on the application of these provisions through the *Guideline on the Exercise of Functions*. The Division’s quarterly and annual dog attack reports should also be updated to distinctly reflect the new reporting categories.

This approach may also provide clarity on the extent of serious of dog attacks in NSW by educating the public about the difference between serious dog attacks and less serious incidents involving dogs. It may additionally provide clarity to council officers on the appropriate application of available dog attack enforcement penalties and powers.

RECOMMENDATION 1.4

Review existing powers of council officers under the CA Act relating to the seizure of dogs subject to dangerous or restricted dog declarations for the purposes of identification

Under the CA Act, authorised council officers have the power to seize a dog subject to a dangerous or restricted dog declaration if it does not comply with certain control provisions, including if the dog is not microchipped and registered within 7 days of such a declaration being made.

However, councils have argued that the 7 day compliance period allows some irresponsible owners to remove animals of concern from a property to prevent such a dog from being seized. This means such dogs can remain unidentified on the CA Register, resulting in situations where dangerous dogs effectively “disappear” and are unable to be traced by councils.

The Taskforce recommends that these seizure powers be reviewed to provide council officers with greater ability to seize dangerous and restricted dogs for the purpose of microchipping, where there is a genuine risk of flight. However, the revised seizure powers should also limit the ability of councils to hold a dog at the unreasonable expense of its owner (ie: if a dog is seized for the purpose of microchipping, it should be returned as soon as practicable).

The Taskforce also notes that authorised officers of councils have certain powers of entry onto property for the purpose of seizing animals that have breached the Act or determining whether there has been compliance or contravention of the Act. While authorised officers may enter onto property, they are prohibited from entering into dwellings, without the owner’s consent or an accompanying search warrant.

When entering a property, authorised officers must comply with relevant notification provisions of the CA Act, including giving the occupier of the property reasonable notice. However, this does not apply if:

- entry is made with the consent of the owner
- entry is, in the opinion of the authorised officer, required urgently because of the existence or reasonable likelihood of a serious risk to the health or safety of any person or animal
- entry is made for the purposes of seizing or securing a dog that has attacked or bitten
- the giving of the notice would, in the opinion of the authorised officer, defeat the purpose for which it is intended to enter the property.

Anecdotal evidence suggests that council officers are sometimes confronted by non-compliant owners retreating into their dwelling with offending animals, to prevent the seizure of such animals without a search warrant.

The Taskforce acknowledges concerns expressed by councils that this can be problematic, especially in the case of declared dangerous or restricted dogs. However, such entry powers are consistent with community and legal standards, including those set out in the *Law Enforcement (Powers and Responsibilities) Act 2002* and reflect principles of natural justice.

It is also noted that many councils work in conjunction with NSW Police, who have wider powers of entry, to take appropriate action against owners in such circumstances. The Taskforce recommends that such practices be formalised in a Memorandum of Understanding template to be developed by the Division for use by councils and NSW Police regarding the enforcement of the CA Act (see recommendation 3.1)

RECOMMENDATION 1.5

Review the statute of limitations under which councils can prosecute dog attack offences to ensure that it is in-line with other relevant legislation

At present the time limit for commencement of all summary proceedings under the CA Act is 6 months from the time of the alleged offence. This is consistent with the limit imposed under section 179 of the *Criminal Procedures Act 1986*. However, in cases involving the death of a person that has been the subject of a coronial inquest the time limit is no later than 6 months after the conclusion of the inquest or not later than 2 years from the offence (whichever occurs first).

Councils have raised concerns that this relatively short amount of time can prevent them from prosecuting more complex cases (for example, where an animal is untraceable for a period of time but later re-emerges).

It is noted that the *Protection of the Environment Operations Act 1997* allows certain prescribed summary matters to be prosecuted up to 3 years after the alleged offence. The Taskforce recommends that the CA Act be amended to provide a similar 3 year summary proceedings commencement period for cases involving alleged dog attack, dangerous dog and restricted dog offences.

2. Resources for councils and enforcement agencies

Key findings

- Registration fees provide a constant stream of income to councils for their companion animal activities and fund the Government's companion animals program, including community education initiatives and the CA Register. However, current revenue returned to councils from registration fees does not cover the full cost of their companion animal management activities.
- The introduction of annual registration and a breeder licensing system (as recommended by the Taskforce in its November 2012 report) would improve the ability of councils to trace dangerous dogs throughout their lifecycle. Annual registration would also provide additional funds to councils to undertake their companion animal management activities.
- Councils and other impounding authorities often face difficulty in determining whether an impounded animal is "suitable for rehoming", particularly in relation to identifying aggression or behavioural problems in dogs.
- There is a need to support further research on dangerous dog issues (eg: genetic predisposition to biting and the circumstances around which attacks take place).
- Enforcement agencies are not routinely notified of people who are disqualified from owning animals, making it easier for such people to obtain animals.

RECOMMENDATION 2.1

Introduce annual registration of cats and dogs and a breeder licensing system to improve the ability of councils to track dangerous dogs throughout their lifecycle

As highlighted in recommendation 8 in the *NSW Companion Animals Taskforce report to the Minister for Local Government and the Minister for Primary Industries*, the Taskforce considers it essential that annual registration for cats and dogs be introduced.

In relation to dangerous dogs, annual registration would serve two important purposes, by:

- ensuring greater accuracy of CA Register data about dogs and their owners, by requiring owners to regularly update this data. This would allow better tracking of owners throughout their animal's lifecycle and improve the ability of council officers to locate and trace dangerous dogs. It would also provide an increased opportunity for councils and the Government to contact dog owners to deliver educational messages or information
- increasing income to councils for their dangerous dog management activities. This would also increase the ability of the Government to fund dangerous dog initiatives resourced from the CA Fund.

However, annual registration should not be retrospective (ie: annual registration should only apply to cats and dogs that reach the required registration age after the commencement date of the legislation) and a suitable commencement date should be set, providing a reasonable transition period for animal owners.

The Taskforce also notes that the introduction of a breeder licensing system (see recommendation 1 in the *NSW Companion Animals Taskforce report to the Minister for Local Government and the Minister for Primary Industries*) would have the additional benefit of improving the ability of councils to trace dangerous dogs back to the people who bred them.

RECOMMENDATION 2.2

Develop a model behavioural assessment for the use of councils and other impounding agencies

Councils and other impounding agencies (primarily the RSPCA and AWL NSW) face strong public scrutiny regarding the number and types of animals they rehome through their facilities. While the Taskforce's November 2012 report highlighted a strong public expectation that impounding agencies rehome as many animals as possible, there is a converse expectation that such agencies should not rehome animals that may pose a danger to public safety.

It is acknowledged that resourcing constraints and limited demand for impounded animals are key factors influencing the ability of impounding agencies to rehome animals. However, a significant constraint for all impounding agencies is their ability to determine whether certain animals are "suitable for rehoming".

The question of what constitutes "suitability for rehoming" is one that impounding agencies determine in accordance with their local policies. In doing so, agencies generally assess whether an animal is: healthy or otherwise treatable, irremediably aggressive or has other severe behavioural problems.

Determining the health and/or treatability of animal is usually a fairly straightforward process, when undertaken in consultation with qualified veterinary staff. However, determining whether an animal is aggressive or has a severe behavioural problem is a much more complex issue. At present, councils and enforcement agencies utilise a variety of behavioural assessment methods for this purpose, including seeking advice from qualified animal behaviourists and having impounding staff administer behavioural assessments.

Certain agencies have come under increasing pressure from interests groups on the nature of the assessments that they use. This reflects strongly divided views within the sector on the issue of what constitutes a valid behavioural assessment.

It is noted that the Victorian Department of Primary Industries has recently commenced work, in consultation with the AVA, on the development of a model behavioural assessment for dogs. The Taskforce recommends that the Division establish a similar process to develop a model behavioural assessment tool for use by impounding and enforcement agencies in NSW.

The ultimate aim of this project should be to develop a behavioural assessment of an agreed "best practice" standard, adhering to the following key principles:

- It must ensure that the welfare and safety of the tested animal is maintained at all times
- It must be consistent, repeatable and validated (ie: through appropriate peer review, widespread use over the long term etc)
- It must remove (as much as possible) elements which may provoke negative reactions in animals, and
- It must be cost-effective to implement and be able to be applied by a wide variety of practitioners trained in its use.

This should be a multi-agency project, so as to ensure that all relevant stakeholders (including representatives from councils, animal welfare organisations and animal rescue groups) are able to have input into the agreed standard. It may be appropriate for the Division to coordinate this project through the proposed ongoing Companion Animal Management Working Group (see recommendation 22 in the *NSW Companion Animals Taskforce report to the Minister for Local Government and the Minister for Primary Industries*). This should also take into consideration the work currently being undertaken in Victoria.

The development of such a model would provide reassurance to animal owners that they are buying a pet with a suitable temperament. However, such a model would not negate the need for prospective animal owners to be made aware of the responsibilities that go with owning a pet and nor would it remove the responsibility of the animal's owner for the animal's behaviour (also see recommendation 6 in the *NSW Companion Animals Taskforce report to the Minister for Local Government and the Minister for Primary Industries*).

Such a model may also lead to better rehabilitation options for other animals, including declared dangerous dogs, by allowing owners to accurately identify their dog's behavioural issues and take steps to address them. This would link to proposed amendments to the CA Act to allow "dangerous" and "potentially dangerous" dog declarations to be revoked if behavioural training is undertaken for the dog (see recommendation 1.2 above).

It is also noted that costs for undertaking such assessments would need to be absorbed by councils or animal welfare organisations, or be otherwise passed on to animal owners. A system of accreditation for behavioural assessors may also need to be considered.

The model behavioural assessment could also ultimately be included in the proposed Better Practice Guidelines on Impounding for Councils (see recommendation 19 in the *NSW Companion Animals Taskforce report to the Minister for Local Government and the Minister for Primary Industries*).

RECOMMENDATION 2.3

Provide funding for research into dangerous dog issues

The Taskforce has previously recommended that a portion of the CA Fund be set aside annually for the purpose of funding a grant program for research on key cat and dog issues (see recommendation 18 in the *NSW Companion Animals Taskforce report to the Minister for Local Government and the Minister for Primary Industries*).

This would be a positive use of the CA Fund which would benefit the whole community. Importantly, independent research can be used to guide policy development, including determining appropriate responses to dangerous dog issues. Relevant areas of research may include (but not be limited to), issues such as:

- identifying potentially dangerous dogs (for example, through identifying genetic predisposition to biting)
- the circumstances around which attacks take place
- training and assessment of "dangerous" and "potentially dangerous" dogs.

It would be inappropriate to limit the scope of the associated research funding guidelines to specify that dangerous dog themed research will be given priority. However, any material promoting the availability of research funding should highlight this as a key focus area.

The results of such research could be analysed alongside the Division's collection of dog attack data. As noted in recommendation 3.4 below, NSW is the only jurisdiction which requires councils to report dog attack incidents and therefore this dog attack data collection is generally considered to be the most comprehensive in Australia. However, recommendation 3.6 (below) also notes how this data collection could be supplemented by better reporting of dog attack incidents by NSW hospitals and general practitioners.

RECOMMENDATION 2.4

Improve the dissemination of information about disqualified animal owners

Under section 23 of the CA Act, a person is permanently disqualified from owning a dog or being in charge of a dog if:

- they are the owner of a declared dangerous or restricted dog which attacks or bites any person (whether or not any injury is caused to the person), and the incident occurs as a result of their failure to comply with any one or more of the control prescribed requirements for such a dog.
- They have been convicted of setting on or urging a dog to attack, bite, harass or chase any person or animal (other than vermin), whether or not actual injury is caused.
- they have been convicted of causing a dog to inflict grievous bodily harm or actual bodily harm under the *Crimes Act 1900*.

Additionally, under the CA Act, a court can order a person to be disqualified from owning a dog or being in charge of a dog for up to 5 years if they are: convicted of certain offences relating to the control of declared dangerous and restricted dogs, or convicted on multiple occasions within a 5 year period of a nuisance dog related offence. Similar ownership disqualifications can also be applied by local courts for certain animal cruelty offences under POCTAA.

The Taskforce acknowledges that the effectiveness of animal ownership disqualifications relies on widespread knowledge of disqualified persons by enforcement agencies. This is particularly important in cases where a disqualified owner relocates to another address outside of the council area where they were residing at the time of the conviction.

Councils have expressed concerns that disqualification from ownership orders made by courts are not well communicated to enforcement agencies (including Police, AWL NSW, RSPCA and councils), meaning that awareness may be limited. Anecdotal evidence suggests knowledge of such bans relies on enforcement agencies monitoring local court proceedings and the media, and on informal distribution of information between enforcement agencies.

Ultimately, it is incumbent on councils to work closely with local courts and other enforcement agencies to ensure that details of disqualified persons are communicated in a timely manner. However, the Taskforce recommends that a database of ownership disqualification orders be developed by the Division, containing details of all current court orders.

The publication of such details on a publicly accessible website may ensure that the information is easily accessed by as wide an audience as possible. However, privacy considerations would also need to be taken into consideration. The development of a CA Register based module which links to this database may also provide councils and enforcement agencies with ongoing opportunities to identify disqualified owners.

Consideration should also be given to developing protocols for the sharing of information about disqualified dog owners between jurisdictions, to help prevent disqualified owners from other States and Territories from acquiring dogs in NSW (see recommendation 3.4).

The Taskforce also acknowledges that it is ultimately a matter for magistrates to determine whether owner disqualifications should be applied in particular cases. However, concerns expressed by councils that the application of such orders by courts is not well utilised are also recognised. The role of magistrates is further addressed in a separate recommendation regarding the strengthening of cross-agency delivery of education material about dangerous dogs (see recommendation 3.3).

3. Cross-agency and cross-jurisdictional approaches

Key findings

- NSW Police officers are authorised officers under the CA Act and often play a key role in the investigation of serious dog attacks. While there are strong relationships between some local councils and Police Local Area Commands, there is scope to develop these relationships more consistently across the State.
- As dog attack prevention and dangerous dog management is both a human and animal issue, a holistic approach involving councils, animal welfare organisations and relevant State Government agencies is essential to achieving effective and timely enforcement outcomes. However, coordination between such organisations is largely ad hoc and the distribution of dog bite prevention and dangerous dog management educational material by other animal welfare and State Government agencies is limited.
- There is a strong argument for the development of a national dog attack and dangerous dog database. However, previous attempts to establish a national approach to dangerous dog issues have not been productive.
- The CA Act does not contain provisions to automatically recognise dogs that are declared dangerous in other jurisdictions.
- NSW is recognised as having the most comprehensive dog attack reporting requirements for councils in Australia. However, there is a critical gap in dog attack data collection by NSW hospitals and general practitioners.

RECOMMENDATION 3.1

Develop a Memorandum of Understanding template for use by councils and NSW Police regarding the enforcement of the CA Act

While council officers are primarily responsible for the enforcement of the CA Act, NSW Police officers are also authorised officers under the CA Act. The role of Police is often limited to the investigation of more serious offences, most notably dog attacks.

However, as Police have the same powers as council officers under the CA Act, they may also become involved in enforcement activities such as returning lost and stray animals to their owners in limited circumstances. Police officers may also be called upon by council rangers to assist in matters such as the searching of property (particularly in circumstances where council entry powers are limited) and seizure of animals.

Council representatives report that relationships between some local councils and Police Local Area Commands are generally good. However, the level of engagement appears to vary significantly between council areas.

To facilitate discussion of local approaches to CA Act related enforcement between councils and Police, and to assist in providing clarity regarding expectations for the involvement of Police in such activities, the Taskforce recommends that the Division develop a Memorandum of Understanding (MOU) template for use by councils and NSW Police on enforcement activities under the CA Act. This MOU should be developed in consultation with council representatives (including the LGSA) and the Ministry for Police.

RECOMMENDATION 3.2

Develop a Memorandum of Understanding between councils, animal welfare organisations and relevant State Government agencies to standardise information sharing protocols in relation to dangerous and potentially dangerous dogs

Interaction between local council, animal welfare enforcement agencies and State Government agencies is crucial to a holistic approach to companion animal management. This is particularly true in relation to the enforcement of dangerous and potentially dangerous dogs, where information sharing between relevant agencies can lead to more effective and timely enforcement outcomes.

Animal welfare agencies are often party to intelligence about instances of animal neglect, which may impact on the behaviour of animals and therefore may lead to an increased tendency for such animals to be involved in attacks. As noted in recommendation 3.1 above, NSW Police can also play a key enforcement role in the investigation of dog attack incidents.

However, research also indicates that the prevalence of dangerous and potentially dangerous dogs is often linked to certain behavioural characteristics of owners¹. Therefore, "human services" agencies play a crucial information sharing role in relation to dangerous and potentially dangerous dogs. For example, Government agencies such as Housing NSW, Corrective Services and the NSW Department of Community Services may have information which may assist councils in identifying cases of non-compliance with the CA Act, including roaming dogs, unregistered animals, nuisance and dangerous dogs.

While anecdotal evidence suggests that some councils have strong relationships with certain agencies, they do not appear to be consistent across NSW. The Taskforce therefore recommends that the Division convene a working group to develop a MOU to establish agreed information sharing protocols between relevant agencies, including (but not limited to):

- the LGSA (representing local councils),
- RSPCA
- AWL NSW
- NSW Police
- Corrective Services NSW
- NSW Health
- Housing NSW
- NSW Department of Community Services
- Livestock Health and Pest Authority
- Department of Primary Industries.

The MOU may also assist to strengthen the delivery of educational resources on dangerous dog and dog attack issues by other agencies (see recommendation 3.3).

The Taskforce also highlights that, in developing the MOU, privacy restrictions applying to the relevant agencies (including provisions of the CA Act) in relation to the collection and release of data will also need to be taken into consideration.

¹ *Ownership of high-risk ("vicious") dogs as a marker for deviant behaviours: implications for risk assessment* (Barnes et al (2006): <http://www.ncbi.nlm.nih.gov/pubmed/17065657>)

RECOMMENDATION 3.3

Strengthen cross-agency delivery of educational resources on dog attack and dangerous dog issues

Historically, dangerous dog and dog attack related educational material has been developed by Division and distributed to the public in conjunction with local councils. However, from time to time such material has also been made available to animal welfare organisations and other stakeholders such as pet shops and veterinarians for distribution.

Other State Government agencies have also played a key role in the delivery of programs to promote socially responsible pet ownership. For example, in the early 2000s, the then Department of Local Government and Department of Housing jointly funded a partnership program from the CA Fund aimed at improving rates of microchipping, registration and desexing of cats and dogs in public housing estates. A number of programs were funded and delivered in coordination with RSPCA, AWL NSW and local councils.

The Taskforce recommends that the whole of community socially responsible pet ownership education campaign (see recommendation 15 in the *NSW Companion Animals Taskforce report to the Minister for Local Government and the Minister for Primary Industries*) includes a focus on strengthening the role of animal welfare organisations and relevant State Government agencies in the distribution of dog bite prevention and dangerous dog educational resources.

As a minimum, the following State Government agencies should play a key role in relation to the distribution of relevant information:

- *NSW Health* - through hospitals and community health centres (including ante-natal programs)
- *Housing NSW* – to public housing tenants
- *NSW Fair Trading* - to tenants and landlords
- *Department of Community Services* – to individuals and families in areas of need
- *Security Licensing and Enforcement Directorate of NSW Police* – to disseminate information to business owners licensed under the *Security Industry Act 1997* to patrol, protect or guard properties with a dog, about the requirement to comply with the CA Act and the *Animal Welfare Code of Practice No 9—Security Dogs*.

A whole of community socially responsible pet ownership education campaign would also provide an opportunity to communicate important information to councils and other key stakeholders. Relevant issues that have come to the attention of the Taskforce in relation to dangerous dog management include:

- Existing information on the application of hunting dog provisions of the CA Act by local councils. Under section 33 of the CA Act, one of the reasons a dog can be declared dangerous by a council officer is if it “is kept for the purposes of hunting”. However, a number of councils have reported that the information contained in the Division’s *Guideline on the Exercise of Functions* does not provide sufficient clarity with respect to the appropriate application of these powers.
- Information for magistrates on the application of their powers to disqualify people from owning an animal under the CA Act and POCTAA.

RECOMMENDATION 3.4

The Minister for Local Government and NSW Attorney General should write to the Federal Attorney General to request that a cross-jurisdictional working group be established to develop a national dog attack and dangerous dog database

When a dog is declared dangerous in another State or Territory, there is currently no automatic notification mechanism for other jurisdictions. Anecdotal evidence suggests that significant numbers of dangerous dogs travel between States undetected, and as a result may not have appropriate control restrictions placed on them.

As highlighted in the AVA's *Dangerous dogs – a sensible solution* paper, the development of a national dog attack and dangerous dog database, accessible by enforcement officers in all States and Territories, could significantly address this issue. This view was also supported by the local council representatives consulted by the Taskforce.

A national dog attack database would also support the improved collection of dog attack data. NSW is the only jurisdiction which requires councils to report dog attack incidents. Therefore, national dog attack statistics are considered incomplete and do not provide a true indication of the scale and seriousness of attacks that take place.

Other jurisdictions have previously flagged proposals to establish a national approach to dangerous dog management, including a 2011 request by the former Commonwealth Attorney General to relevant State Ministers to work together to establish nationally consistent laws in relation to dangerous and restricted dogs. However, to date, this has not come to realisation.

It is therefore recommended that the Minister for Local Government and the NSW Attorney General write to the Commonwealth Attorney General to suggest that a cross-jurisdictional working group be established to develop a national dog attack database. Such a group may form the basis for future work on other cross-jurisdictional approaches to dangerous dog management.

It is noted that, while other Australian jurisdictions require dogs to be microchipped, only NSW operates a centralised, mandatory register of companion animals. Other jurisdictions rely on privately operated databases. This poses a range of privacy and data compatibility issues, which would need to be addressed if a national dog attack register were to be established.

The successful implementation of a cross-jurisdictional working group on this matter may also lead to future opportunities to explore other relevant issues including (but not limited to):

- greater consistency in approaches to dangerous dog regulation and enforcement across jurisdictions. For example, a national approach to dog registration may improve cross-jurisdictional enforcement outcomes and the ability of authorities to monitor and respond to trends affecting human health, such as the outbreaks of animal-borne diseases like babesiosis and Hendra virus.
- the development of protocols for the sharing of information about disqualified dog owners between jurisdictions, to help prevent disqualified owners from other States and Territories from acquiring dogs in NSW

RECOMMENDATION 3.5

Amend the CA Act to allow councils to automatically declare a dog to be “dangerous” or “potentially dangerous” if they receive confirmation that the dog is the subject of such a declaration in another jurisdiction

The Taskforce recommends that the CA Act be amended to give NSW council officers the power to automatically declare a dog to be dangerous if it is subject to such a declaration in another jurisdiction. Such an approach would be consistent with Victorian legislation and would greatly assist council officers to apply appropriate control restrictions on such dogs.

It may also be appropriate for the Division to issue advice to councils on the application of these provisions through the *Guideline on the Exercise of Functions*.

RECOMMENDATION 3.6

Establish a working group to improve dog attack data captured by hospitals and general practitioners

As previously noted, NSW is the only Australian jurisdiction which requires councils to report dog attack incidents. As such the Division’s dog attack data collection is considered to be the most comprehensive in the country. However, NSW hospital admissions relating to dog attack injuries do not appear to be comprehensively recorded.

ACAC’s *Dog Bite Incident Reporting and data collection* position paper² suggests that reporting of dog bite injuries in patients that present to public hospitals are commonly reported. However, the ACAC paper also notes that, as this data is primarily designed to record medical treatments and costs, the circumstances surrounding dog attacks and the details of the dogs involved are not necessarily captured.

In the case of dog bite victims who present to private hospitals and general practitioners (GPs), information is limited. However, anecdotal evidence suggests that GPs deal with significant numbers of dog bite injuries, particularly those of a minor nature.

It is apparent that the NSW Health’s emergency admissions data collection software has the capability to record dog bite information. However, the ability of private hospitals and GPs to capture such data in a standardised way appears to be variable given the wide range of recordkeeping systems in use.

The Taskforce therefore recommends that the Division establish a working group comprising representatives of NSW Health, the Australian Private Hospitals Association and General Practice NSW to improve dog attack data captured by hospitals and GPs.

The group should aim to reach agreement on minimum reporting standards, including:

- the geographical location where a dog bite has taken place
- the extent of injuries
- details about the attacking dog(s), if known
- contextual information about the circumstances of incidents (eg: whether there was any known provocation of the animal etc)
- inclusion of the collection of such data in standard operating procedures.
- The sharing of data captured as part of this process across all relevant bodies (including Government agencies, councils, enforcement bodies and medical practitioners).

² http://www.acac.org.au/pdf/dog_bite_incident.pdf

4. Education

Key findings

- Comprehensive community education is considered essential to improving understanding of the consequences of irresponsible pet ownership, including possible dog attacks.
- Community education on socially responsible pet ownership has been a key focus of the CA Act since its introduction. A significant portion of monies from the CA Fund (which are derived from lifetime registration fees) is allocated to the promotion of socially responsible pet ownership.
- The Government provides a range of educational resources to the public and enforcement agencies (including councils) about dangerous dog management and dog bite prevention.
- The key education program funded by the Division is the Responsible Pet Ownership Schools Education Program. \$2.1 million has been allocated to the Program over three years.
- The Program:
 - is managed by the Victorian Department of Primary Industries (VIC DPI), under a contractual arrangement with the Division. VIC DPI has run the Program in Victorian schools for the past decade.
 - is aimed at 5 to 7 year olds. However, information is also provided to parents and teachers.
 - has been delivered in schools across NSW since 2011, by a team of Pet Educators and their suitability-tested dogs. Pet Educators bring their dogs into classrooms to help to reinforce messages.
 - has been delivered to over 1000 NSW schools with very positive feedback being received from schools that have been visited.
 - uses techniques such as role play, music, dance and interactive multimedia activities to help children understand serious pet safety messages.
 - has provided a free curriculum and resource package to all NSW primary schools which provides teachers with resources to reinforce the messages that the children receive from the Pet Educator visit. The package has been endorsed by the NSW Department of Education and Training, has a strong literacy focus and is designed to be able to be used by teachers as an entire unit of work.
- Other existing dog bite prevention and dangerous dog management educational material funded from the CA Fund includes:
 - Content on the Companion Animals webpage of the Division's website
 - Dangerous and restricted dog brochures
 - The *Guideline on the Exercise of Functions*.

RECOMMENDATION 4.1

As part of a community-wide socially responsible pet education campaign review and update existing dog bite prevention and dangerous dog management educational resources for the public, councils and other agencies

The Taskforce acknowledges that the Division's Responsible Pet Ownership Schools Education Program forms an important component of the Government's dog bite prevention education program. The Taskforce's report of November 2012 recommended that the Government expand such programs to the preschool age group (see recommendation 16 in the *NSW Companion Animals Taskforce report to the Minister for Local Government and the Minister for Primary Industries*).

It is also considered vitally important that dog bite and dog attack prevention messages form a central component of the whole of community socially responsible pet ownership campaign (see recommendation 15 in the *NSW Companion Animals Taskforce report to the Minister for Local Government and the Minister for Primary Industries*).

As part of this process existing educational resources should be reviewed to ensure that the following issues are addressed:

- the need to ensure dogs are appropriately socialised and trained at a young age
- the importance of reporting dog attack incidents to local councils, even if they are minor in nature
- safe behaviour around dogs and dog bite prevention strategies (including specific information focussed at non-dog owners who may have little or no experience interacting with dogs).

It will also be essential to ensure relevant information for councils and enforcement agencies is also reviewed for currency. This will include addressing any relevant changes to powers and penalties in relation to dangerous and potentially dangerous dogs arising from the recommendations contained in this report.

Any such material should be provided in a variety of community languages to ensure that information is communicated to as wide an audience as possible. Relevant agencies should be approached to assist in identifying strategies to refine the campaign for people from culturally and linguistically diverse backgrounds.

To further ensure that relevant education material is delivered to the whole community, it is recommended that cross-agency delivery of educational resources on dog attack and dangerous dog issues be strengthened (see also recommendation 3.3).

It is noted that a large number of Taskforce discussion paper submissions suggested overhauling current education priorities in this area to change the emphasis from dangerous dogs to socially responsible pet ownership. However, the Taskforce considers that both dog bite related messages and broader socially responsible pet ownership messages form critical components of an effective education campaign, as the two issues are intrinsically linked.