

Agriculture and Fisheries and Other Legislation Amendment Bill 2023

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Tasmanian Dog Walking Clubs Inc.

The Tasmanian Dog Walking Clubs (TDWC) thanks the Queensland Department of Agriculture and Fisheries (QDAF) for the opportunity to respond to the amendments in the Agriculture and Fisheries and Other Legislation Amendment Bill 2023 (the Bill).

The TDWC represents dog owners in Tasmania with three Associations that organise walks, educational events and monitors Local and State Government regulations pertaining to dogs. The TDWC and its Associations write submissions and raise awareness on Dog Management Policy, animal welfare, responsible dog ownership, current training practice and town planning.

We have a paid membership list and a Facebook presence of some three thousand four hundred Tasmanian dog owners. This fluctuates depending on issues that impact on dogs.

The TDWC will focus its comments on the dog related amendments of this Bill.

Dog bites are a serious concern to all dog owners. We acknowledge the risk to children and a couple of our members are volunteers for the Delta Dog Safe program going into schools and talking to young children about being safe around dogs.¹ The focus is on kindergarten, Prep, and years 1 – 2.

The TDWC believes that key to reducing dog bite numbers is:

- 1) Changing Australian cultural attitudes towards dogs and recognising dogs as sentient beings that feel joy and pain.
 - a) This includes no longer seeing dogs as 'property' that can be readily disposed of, treated as an income stream (breeding/gambling), seen as accessory i.e., defining masculinity.
 - b) Changing the language that we use in legislation and regulation around dogs. i.e., this Bill talks about 'decommissioned greyhounds'. Greyhounds are not machinery, and this colours how people perceive them, putting distance between this breed and other generic 'dogs' allowing greyhounds to be treated differently, often to their detriment.
- 2) Raising community awareness of the Five Freedoms, Five Domains, and Quality of Life Scale.²
- 3) Educational standards and registration for dog trainers based on current science and best practice.
- 4) Registration for anyone wanting to breed dogs. This includes professional and 'backyard' breeders. Preferably with an educational component on raising well socialised puppies with good genetics.
- 5) Dog registrations should include an educational course including hands on and theory components, similar to a driver's licence.
- 6) Support the education of dog owners in places where dog owners are such as off-lead parks. Ideally a dog trainer/behaviourist could be placed within local council animal management departments working with animal control officers.
- 7) Ensure educational qualifications of animal control officers. It should include dog behaviour and modern training practices. Councils need to stop recommending anti bark collars and other negative training tools or methods. These methods do not address the cause of the barking and can have negative results.
- 8) Education programs for the community with a focus on pregnant couples, new mums, playgroups, and early childhood schooling. It should be noted that grandparents should be included in any education program.

¹ <https://www.deltasociety.com.au/dog-safe>

² David J. Mellor, Updating Animal Welfare Thinking: Moving beyond the 'Five Freedoms' towards "A Life Worth Living", *Animals* 2016, 6, 21; doi:10.3390/ani 6030021

- 9) Registration of animal rescues and shelters. Many rescues are set up by well-meaning individuals wanting to 'save all the dogs' without any knowledge about dog behaviour. They then adopt out dogs without a proper assessment process or due care.
- 10) Banning pet sales on Facebook, Gumtree, and other forms of electronic and print media. These sorts of sales encourage irresponsible breeders that show no care in breeding and generally have no knowledge of genetics, or the veterinary care required for pregnant dames or newborn puppies. They also lack knowledge about socialisation for puppies.

Penalties

We agree that there should be a focus on strong penalties for dog owners who fail to manage their dogs appropriately, particularly where serious bites occur. But we also ask that more research into the events around a bite incident include a full medical check of a dog and an autopsy on a dog where the animal has been euthanised. It is important to have a baseline on the causes for dog bite incidents. Can we determine that a dog was in pain and reacted to human contact? Did the dog redirect to the human standing nearby? Did the dog have an underlying condition causing discomfort or impacting on his/her mental health? Was the dog deliberately or accidentally harmed?

Witness statements

We think it is also important to recognise that witnesses may not understand dog body language and relate events in a way that is detrimental to the dog. It is also easier to blame the dog rather than take responsibility for a lack of supervision, particularly where children are involved. We still see photos/videos on social media where children and dogs are placed in danger for the 'cute' photograph.

Effective Control

Effective control is critical to keeping people and dogs safe. The TDWC is surprised that Queensland does not have an 'effective control' provision.

All dogs should be under effective control while on-lead and off-lead. We note that you have an exception for off-lead dog areas. Unfortunately, this is the place where effective control is important, and an owner must have a good recall. We recognise that not everyone has a good recall, but ideally a dog should be with its custodian after about three calls.

Other concerns around effective control are:

- 1) Children should not be walking dogs on lead in public places without adult supervision, too many things can go wrong very quickly.
- 2) Education around phone use and other distractions while dog walking. Being aware of your surroundings and engaged with your dog while walking will strengthen the bond and protect people and dogs.

Specific Breed Legislation (SBL) – Restrictions

SBL should not be seen as, or used as, a way of reducing dog bites. All dogs have the capacity to bite if placed in situations where a bite is the only recourse a dog has, to protect itself from pain, fear, or harm. A small number of dogs do exhibit behaviour that is potentially dangerous to people and other animals. This is due to a range of factors including in utero hormones, external experience, poor breeding (DNA), bred behaviour. Here we'd like to refer to a 2013 review of United States of 256 dog bite.

fatalities that found that 'valid breed determination was possible for only 45 (17.6%) of the dogs involved.'³ The authors of this article also noted that:

'Pit bull-type dog posed a special challenge because this colloquial designation is not a breed per se but a descriptor of a heterogeneous group whose membership includes various purebred dogs and presumed mixes of breeds.'⁴

The current controversy over the United Kingdom ban on XL Bullies highlights the difficulties in determining what breed a dog is. In fact, the legislation is based on 'breed type' not DNA or breed name.⁵ The conformation standard does not have to be met completely and is open to interpretation, thereby putting a large number of dogs at risk, particularly cross breeds. There is nothing in the 'Guidance' notes provided by the UK government about behaviour.

Behaviour, breeding, life experience, environment and wellbeing are the key indicators to dog's propensity to bite. Therefore, banning specific breeds is not the solution to reducing dog bites.

Destruction orders

There will be times when dogs are killed on site at dog attack incidents by police, animal control officer or farmers. However, when dogs are caught and held at pounds while legal recourse is sought by owners and evidence sought by Councils or law enforcement, there can be animal welfare issues. The behaviour of dogs can decline while held for long periods of time and any court process should be done in a timely fashion. Many dog owners will euthanise their dogs to avoid this, even if their dog is innocent.

We would ask that all dogs that are euthanised for proven attacks/bites be autopsied to check for any medical conditions that may have contributed to the attack/bite. This would set a useful scientific baseline for understanding why these incidents happen.

Conclusion

The TDWC agrees that harsher penalties should be available to law enforcement as a way of penalising irresponsible dog owners who deliberately weaponise their dogs. We would ask that in putting the penalties in place that they used.

However, the TDWC does not support Breed Specific Legislation as it does not address the reasons for dog attacks, nor will it reduce the number of incidents.

The TDWC supports the introduction of educational programs for all members of the community regarding dog behaviour, understanding dog body language and how to behave around dogs.

We argue that changing people's perception of dogs as sentient beings that feel fear and pain as we do, is one of the best ways of improving dog lives and reducing dog attacks.

³ Gary J. Patronek, Jeffrey J. Sacks, Karen M Delise et.al. Co-occurrence of potentially preventable factors in 256 dog bite-related fatalities in the United States (2000-2009), JAVMA, vol.243, no.12, 2013 pg.1731

⁴ Ibid, p.1729

⁵https://assets.publishing.service.gov.uk/media/655cb2e8544aea00dfb31ca/Official_definition_of_an_XL_Bully_dog_for_enforcement_officers_.pdf p.2