

Submission to the Victorian Parliamentary Inquiry into the legislative and regulatory framework relating to restricted breed dogs.

To the Economy and Infrastructure Committee,

Thank you for the opportunity to provide a submission to this inquiry.

I do not believe that Victorians are well-served or safer because of the restricted breed provisions of the Domestic Animals Act.

Since the implementation of this legislation and its several amendments, many blameless animals have died and their equally blameless owners left to grieve.

Councils have spent hundreds of thousands of dollars defending the seizure of dogs identified as restricted breeds, in many cases unsuccessfully. The Victorian Government has spent even more money attempting to resource this unworkable legislation. Beyond a dollar figure, the cost of time spent administering and defending this legislation is staggering. And more so when the majority of dogs seized under this legislation posed no threat to community safety.

Internationally breed restricted legislation is being repealed at a much faster rate than it is being enacted, as its lack of efficacy as a public safety measure becomes clear.

Victorian dog owners, councils and council staff and the government deserve better, evidence-based legislation.

09/07/15

History of breed specific legislation in Victoria

Breed Specific Legislation (BSL) was first proclaimed in Victoria in 2005, prohibiting the import of five breeds of dog:

"The Dogo Argentino, the Japanese Tosa, the Fila Brasileiro, the Perro de Presa Canario (or Presa Canario) and the American Pit Bull Terrier (or Pit Bull Terrier). Of these, the Pit Bull Terrier and the Dogo are the only breeds currently known to exist in Australia."

This legislation also banned the breeding and selling of Pit Bulls and other restricted breeds, although there is little evidence that there were any of the other breeds in Australia. This restriction also applied to dogs in Victorian shelters and pounds, with any dog identified as a restricted breed unable to be rehomed (which meant that regardless of a dog's temperament it would be killed). This is still the case in Victorian shelters and pounds.

This was not the first time a breed of dog had faced a ban in Australia and not the first time the experts disagreed with legislation.

During the mid 1920s the Graziers Federal Council of Australia and other parties claimed that the "Alsatian Dog" represented a threat, that the dog was vicious, it had wolf blood in its veins, it was a sheep killer and if crossed with the dingo it would be dangerous. Despite professional advice which repudiated these claims, the Federal Government passed an import ban on the 24th July 1928 which was imposed on 2nd May 1929. This ban although initially for 5 years was not eased until 1972 and not repealed until 5th March 1974. [<http://www.gsdcqld.org.au/The.German.Shepherd.Dog.In.Australia.htm>]

Current legislation

After the tragic case of four year old Ayen Chol killed by a dog in August of 2011, Victoria's State Government responded to public outcry and rushed through legislation which made it an offence for an owner to keep a restricted breed dog which did not comply with the following conditions:

Dog was in Victoria prior to 1 September 2010 and
Dog was registered prior to 30 September 2011.
[<http://www.dpi.vic.gov.au/pets/dog-care/restricted-breed-dogs>]

Under this legislation councils have the right to seize and destroy unregistered, restricted breed dogs. The new legislation identifies a restricted breed of dog as a dog which looks like a restricted breed of dog, "A dog that meets the description of a dog in this Part is an American Pit Bull Terrier." [<http://www.dpi.vic.gov.au/pets/about-pets/legislation-and-regulation/standard-for-restricted-breed-dogs>]

If you think that sounds like a tautology you are right.

A dog doesn't have to be a Pit Bull Terrier to be considered a restricted breed. It's only necessary for someone to think a dog looks like a Pit Bull Terrier and a Council can seize the dog. It is important to note that although there is some confusion in the legislation between the categories of dangerous dogs and restricted breeds, the fate of a restricted breed of dog is based not on its actions, (as it would be for a dangerous dog) but solely on its appearance.

This approach has been condemned by the RSPCA [<http://kb.rspca.org.au/afile/497/86/>], the Australian Veterinary Association [<http://www.ava.com.au/policy/615-breed-specific-legislation>], the American Veterinary Society of Animal Behaviour [http://avsabonline.org/uploads/position_statements/Breed-Specific_Legislation-download-_8-18-14.pdf], The American Veterinary Medical Society [<https://www.avma.org/public/Pages/Why-Breed-Specific-Legislation-is-not-the-Answer.aspx>], the Humane Society of the United States, [http://m.humanesociety.org/issues/breed-specific-legislation/fact_sheets/breed-specific-legislation-all-dogs-are-equal.html] and the American Society for the Prevention of Cruelty to Animals.

"Although multiple communities have been studied where breed-specific legislation has been enacted, no convincing data indicates this strategy has succeeded anywhere to date (Klaassen et al., 1996; Ott et al., 2007; Rosado, 2007). Conversely, studies can be referenced that evidence clear, positive effects of carefully crafted, breed-neutral laws (Bradley, 2006). It is, therefore, the ASPCA's position to oppose any state or local law to regulate or ban dogs based on breed. The ASPCA recognizes that dangerous dogs pose a community problem requiring serious attention.

However, in light of the absence of scientific data indicating the efficacy of breed-specific laws, and the unfair and inhumane targeting of responsible pet guardians and their dogs that inevitably results when these laws are enacted, the ASPCA instead favors effective enforcement of a combination of breed-neutral laws that hold reckless dog guardians accountable for their dogs' aggressive behavior."

[<http://www.asPCA.org/about-us/asPCA-policy-and-position-statements/position-statement-on-breed-specific-legislation>]

The notable exception in the list of large animal welfare agencies opposed to BSL is the Lost Dogs Home, one of the biggest and wealthiest pounds in Australia, operating "super pounds" in Victoria, NSW and Queensland. The Lost Dog's Home past-CEO Graeme Smith enthusiastically endorsed the previous Victorian State Government's Restricted Breed Legislation, "I'm saying categorically that I fully support the government's position and I'm one of the few that's doing so," and infamously been quoted as saying, "If it looks like a Pit Bull, it is a Pit Bull." [<http://www.theage.com.au/victoria/good-dog-bad-dog-20111206-1oh1q.html>] [<http://dogshome.com/pit-bulls-it-s-about-protecting-public-and-pets>]

Visual identification of dog breeds

In fact Pit Bulls are not ducks, and there is sufficient research to show that it is actually very difficult to identify breeds purely through visual identification. The US organisation Maddie's Fund financed a study into breed identification by shelter staff, specifically looking at the ability to identify Pit Bull type dogs. The study of four shelters and 120 dogs found that, "Of those 120 dogs, 55 were identified as "pit bulls" by shelter staff, but only 25 were identified as pit bulls by DNA analysis." [<http://www.maddiesfund.org/Documents/Resource%20Library/Incorrect%20Breed%20Identification%20Study%20Poster.pdf>]

In fact, although dog breeds vary widely, many of the most obvious of those differences (the bits that you see) are determined by only a few genetic regions.

"The researchers found that -- in contrast to humans -- many physical traits in dogs are determined by very few genetic regions. For example, a dog with version A of the "snout length" region may have a long, slender muzzle, while version B confers a more standard nose and C an abnormally short schnoz. And let's say X, Y and Z in the "leg length" region bestow a range of heights from short to tall. That would mean that in this example an A/X dog would have a slender muzzle and short legs like a dachshund. C/Y might be a bulldog, while B/Z would be more like a Labrador. This mixing and matching of chunks of DNA is how breeders were able to come up with so many different breeds in a relatively short amount of time."

<http://www.sciencedaily.com/releases/2010/08/100810203503.htm>

"Visual identification is based upon the observation of a handful of variable breed-associated physical traits, such as coat color, body size, skull shape and whether the ears are erect or floppy. These physical traits are found in many different breeds and are controlled by approximately 50 of the roughly 20,000 genes that create a dog."

<http://nationalcanineresearchcouncil.com/breed-identification-1/>

What this means is that you can't tell a dog's breed by looking. The whole point of purebred dog registries is to be able to track a dog's breed through regulation of parentage, because without those records it's all guesswork.

For mixed breed dogs, or dogs born outside a registry system you can't tell breed by looking. So all the carefully constructed breed identification guides provided to council officers to enable them to visually identify a restricted breed dog are a fiction. They might as well be given a guide to identifying pixies - there'd be about as much science in it

There is no science to support visual identification of restricted breeds and in fact those identifications have been successfully challenged at VCAT and in higher courts on a number of occasions.

For example, the case of Kerser went to the Supreme Court and cost Monash Council well over \$110,000 in legal fees. Given that Kerser hadn't committed

any crime other than looking a certain way, it wasn't a particularly cost-effective exercise for rate payers. After a two-year court battle Kerser was released, having been impounded since he was only ten months old.

Dog breeds and aggression

The reason that Pit Bull Terriers and their partners in shame were initially targeted for prohibition was because they were supposedly over-represented in dog bite statistics. Given the unreliability of visual identification of dogs, dog bite statistics as they relate to breed are extremely unreliable.

There is, in fact, no evidence that Pit Bull Terrier types have any greater propensity to bite than other breeds of dog.

This is supported by a considerable body of research. For example, in 2001 the American Veterinary Association Task Force on Canine Aggression and Human-Canine Interactions “reported it had found no statistical, biological or behavioural evidence that any breed of dog was more vicious or more dangerous than others.”

[American Veterinary Medical Association (AVMA) Task Force on Canine Aggression and Human-Canine Interactions, 2001. A community approach to dog bite prevention. Journal of the American Veterinary Medical Association 218, 1732-1746.]

A piece of research conducted in Germany, following legislation in Lower Saxony in 2000, which brought 14 breeds of dog under BSL, tested 415 dogs. The paper concludes that: “The results show no indication of dangerousness in specific breeds. Justification for specific breed lists in the legislation was not shown.”

[Schalke, E., von Gaertner, AM., Hackbarth, H., Mittman, A., (2008) Journal of Veterinary Behavior: Clinical Applications and Research, Volume 3, Issue 3, May-June 2008, Pages 97-103]

However, the aim if this submission is not to argue that Pit Bulls are safer than any other dog, but that all dogs should be humanely and responsibly managed in order to reduce risk to the community and to the dog.

Dog attack fatalities

Fatal dog attacks are extremely rare. In the US, in 2010, the National Canine Research Council (NCRC) investigated 33 incidents of human deaths caused by dogs (that is the total number of dog fatalities in 2010). Putting this in context, the US has a population of approximately 308 million people and around 78 million dogs. And to put the efficacy of BSL in context, in 22 of those attacks it was not possible to assign definite breed identification to the dog involved. Of the 11 to which a breed definition could be reasonably assigned, 8 different breeds of dog were identified.

[http://nationalcanineresearchcouncil.com/uploaded_files/tinymce/2010%20DBRF%20Report_Final.pdf]

In 21 of the cases investigated the biggest common factor was not the breed of dog, but the way the dog was kept, the NCRC characterising these dogs as resident dogs as opposed to family dogs.

Resident dogs are those isolated by the owner from regular, positive human interactions. Owners often keep resident dogs isolated on chains or in junkyards, or allow their dogs to roam unattended. Owners of resident dogs often fail to provide basic humane care for their dogs, resulting in animals that suffer from malnutrition or chronic disease or illness.

[http://nationalcanineresearchcouncil.com/uploaded_files/tinymce/2010%20DBRF%20Report_Final.pdf]

"In December, 2013, The Journal of the American Veterinary Medical Association (JAVMA) published the most comprehensive multifactorial study of dog bite-related fatalities[1] (DBRFs) to be completed since the subject was first studied in the 1970's. It is based on investigative techniques not previously employed in dog bite or DBRF studies and identified a significant co-occurrence of multiple potentially preventable factors.

The results reported confirm the multifaceted approach to dog bite prevention recommended by virtually all previous studies, as well as by organizations such as the Centers for Disease Control and Prevention and the American Veterinary Medical Association.

The co-occurring factors are potentially preventable

Based on an analysis of all DBRFs known to have occurred over a ten-year period, the researchers identified a striking co-occurrence of multiple, controllable factors:

- no able-bodied person being present to intervene (87.1%);
- the victim having no familiar relationship with the dog(s) (85.2%);
- the dog(s) owner failing to neuter/spay the dog(s) (84.4%);
- a victim's compromised ability, whether based on age or physical condition, to manage their interactions with the dog(s) (77.4%);
- the owner keeping dog(s) as resident dog(s), rather than as family pet(s) (76.2%);
- the owner's prior mismanagement of the dog(s) (37.5%);
- the owner's abuse or neglect of dog(s) (21.1%).

Four or more of these factors were present in 80.5% of the cases.

[<http://nationalcanineresearchcouncil.com/dogbites/dog-bite-related-fatalities/>]

In Australia there have been 27 fatal dog attacks since 2000[[http://www.ncis.org.au/web_pages/FACT-SHEET%20-%20Animal-related%20deaths%20-%20final.pdf]] approx 2 a year in a human population of 22 million and an estimated 4 million dogs.

The death of Ayen Chol in a fatal dog attack prompted enormous community outrage and prompted even more stringent provisions to be added to the legislation.

Distressing as the details are, it's worth revisiting the findings of the inquest into this little girl's horrible death.

[<http://www.coronerscourt.vic.gov.au/home/coroners+written+findings/findings+-+inquest+into+the+death+of+ayen+chol>]

I apologise for inserting images from the coroner's report, but it's the only way my equipment will enable me to quote from the findings.

Given the evidence presented earlier in this document, that visual identification of dog breed is, at best, very unreliable, the comments by the veterinary surgeon who examined the dog are, however sincere, very dubious.

EXAMINATION OF THE DOG BY VETERINARY SURGEONS – EVIDENCE AS TO BREED TYPE AND CHARACTERISTICS

26. Dr Jane Dunnett, Veterinary Surgeon of the University of Melbourne Veterinary Hospital at Werribee, examined the dog on the evening of 17 August 2011. Dr Dunnett's evidence was that it was necessary to use what she described as significant amounts of sedative drugs to sedate the dog. She stated that she had encountered many Pit Bull and Pit Bull type dogs in her career and that she was confident that the dog she observed was such a dog.
27. Dr Dunnett's evidence was that in general such dogs exhibit the physical characteristics of a Pit Bull from very early in their development and that you can almost always tell a Pit Bull or Pit Bull type from the age of six weeks⁸.
28. Her evidence was that because there are no kennel club or breeders standards for Pit Bull terriers, the dog is not a recognised breed and so the expression 'Pit Bull Terrier type' was more appropriate. This was not however to be confused with the expression cross. She stated that the dog known as Rex was in her opinion a Pit Bull terrier type and 90% Pit Bull⁹.
29. Her evidence was that there were no characteristics associated with the dog, which might entitle a person to confuse the dog with a mastiff cross, and that a professional veterinarian should not be confused¹⁰.

⁸ T.144.9

⁹ T.159.1

¹⁰ T.157.18

From this point on, the court concentrated on establishing the dog's breed. There were interviews with the supposed breeder and with a vet who attended the dog. At no point was anyone ordinarily associated with the dog asked serious questions about the dog's general behaviour and living conditions.

Despite the owner being characterised by the court as unreliable "an entirely unsatisfactory and untruthful witness", statements about the dog and its living arrangements were accepted without question.

However, another vet who performed a necropsy on the dog noted that:

There are multiple variably sized (ranging from 15 x 8mm, up to an extremely large 55 (width x 20 (height) mm diameter), chronic calluses, some of which have a central portion of shallow ulceration, over pressure points (lateral aspects near joints and over dorsal aspect of the paws) of the distal limbs, elbows hocks and hips. The fur surrounding the calluses over both hips is discoloured bright red (suggestive of a recent application of disinfectant or insect repellent stock spray). Dorsal neck length (poll to shoulder) 260mm. Weight 40kg."

No well cared for dog will have ulcerated pressure sores. No dog with adequate bedding will have ulcerated pressure sores. Even a dog with access to soil can dig itself a den which will offer some protection to its joints. And no dog with a family who care for it will have sores treated by over-the-counter spray instead of veterinary treatment.

The dog had access from where it lived to the outside world via a roller door, a door which presumably was opened regularly to allow vehicle entry, but there was no evidence that the dog had escaped previously. Although the question was never asked, the dog's condition suggests that it has been kept on concrete. There is nothing about the description of this dog which suggests a valued, family pet. The most likely explanation is that the dog was kept on concrete and tethered in some way.

There is an alternate scenario to the "vicious Pit Bull attacks without provocation", which will make sense to anyone with an understanding of canine behaviour.

A dog, generally kept isolated and with little or inadequate socialisation, escapes its confinement. The excitement of freedom will have caused a state of high arousal. There was evidence given that the dog tried to play with some people but they chased it away because it was barking and growling. Not the behaviour of a dog with consistently happy relations with humans. A confused, excited dog in some pain. A little girl runs and screams, and the dog's arousal tips over into prey drive and tragedy ensues.

The JAVMA identified several factors present in dog-bite related fatalities, with four or more factors present in over 80% of cases.

In this case;

- the victim having no familiar relationship with the dog(s) (85.2%);
- the dog(s) owner failing to neuter/spay the dog(s) (84.4%);
- a victim's compromised ability, whether based on age or physical condition, to manage their interactions with the dog(s) (77.4%);
- the owner keeping dog(s) as resident dog(s), rather than as family pet(s) (76.2%);
- the owner's prior mismanagement of the dog(s) (37.5%);
- the owner's abuse or neglect of dog(s) (21.1%).

By an almost obsessive concentration on the supposed breed of dog, the coroner completely failed to identify those factors which are not only identifiable, but preventable.

Dog bites, public safety and BSL

Happily, fatal dog attacks are very rare and because of this, it's all but impossible to discern any valid correlation between BSL and fatalities.

Dog bites, however, are very common. There is considerable evidence that as a public safety approach BSL is ineffective in preventing dog bites, and very little evidence for its efficacy.

The UK enacted breed specific legislation in 1991. In the decade to 2014, dog bite incidents in Wales rose by 81%. [<http://www.bbc.com/news/uk-wales-26620370>]

In the UK overall, dog bite incidents rose by 76%. [<http://www.bbc.com/news/uk-32912084>]

“Statistics provided by Monash University's Victorian Injury Surveillance Unit show the number of hospital admissions because of dog-related injuries – not just bites – almost doubled from 451 in 2000-01 to 717 last year. This is despite the introduction of breed-specific legislation a decade ago.” [<http://www.theage.com.au/victoria/good-dog-bad-dog-20111206-1oh1q.html>]

A review paper by Linda Watson in Australia concludes that, “Breed specific legislation has not been shown to reduce the incidence of dog bites in any part of the world despite a twenty-year history.” [Does breed specific legislation reduce dog aggression on humans and other animals? A review paper. <https://stopbsl.files.wordpress.com/2008/08/doesbslreducedogaggression.pdf>]

A Spanish study showed that enactment of breed specific legislation had no effect on dog bite incidents, [<https://stopbsl.files.wordpress.com/2008/08/spainbslstudy.pdf>].

And another study used statistical analysis to work out how many dogs of particular breeds would need to be removed from a community in order to prevent one, serious dog bite. The numbers are so huge that its unworkable economically and ethically.

[http://nationalcanineresearchcouncil.com/uploaded_files/tinymce/NNtB%20now%20available%20in%20JAVMA.pdf]

There are probably a number of reasons why there is a correlation between BSL and an increase in dog bites, and it's important to not ascribe causality to a complex social issue.

“Policy responses to dog bites have increasingly turned to banning or controlling particular breeds of dogs (breed-specific legislation or BSL). Under pressure from the media, governments have established regulatory responses that give the community a false sense of security, allowing them to believe that they are safer from aggressive dogs. However, because these measures do not actually solve the underlying problems, similar dog bite incidents continue.”

[<http://www.ava.com.au/policy/615-breed-specific-legislation>]

The evidence strongly suggests that BSL is an ineffective response to concerns for public safety. It is possible that by convincing the community that only certain types of dogs are dangerous, BSL may well be putting the public at greater risk.

If the community is relying on certain types of dogs being removed as a safety measure, they may not be paying attention to the behaviours and risk factors of the dogs they interact with every day, including their own pets.

Because BSL has not been effective in improving public safety, it is in decline all over the world. The US-based National Canine Research Council tracks this trend. "The national trend is moving steadily away from breed-specific legislation (BSL) and toward breed neutral laws that hold all owners equally accountable for the humane care, custody and control of their dogs."

[http://nationalcanineresearchcouncil.com/uploaded_files/tinymce/Breed%20specific%20legislation%20on%20the%20decline.pdf]

Greyhounds

And although they were, until recently, mostly over-looked, Greyhounds have long been victims of breed specific legislation. Other than dogs adopted to the public under the Greyhound Adoption Program (GAP), there is currently a requirement that all Greyhounds must be muzzled and leashed in public places, even designated off-leash areas.

There is no evidence that Greyhounds are more likely than other dogs to be a danger to other animals. Prey drive is not restricted to Greyhounds.

It's worth considering the example of the notorious case of Michael Vick's dog fighting kennels in the US. Of the 51 of his dogs, which were bred for fighting, and which were fought, 48 were successfully rehabilitated and many rehomed (2 died and one was euthanised), even into homes with other dogs.

Even ex-racing Greyhounds will require much less rehabilitation than the Vick dogs, and the majority of them will fit safely and happily into the community with the same level of responsible ownership any other dog should be subject to.

Fantasy legislation

The reason that patently poor and ineffective legislation is created and passed into law, has very little to do with the ability of that legislation to effectively address the issue it was enacted to solve, and a great deal to do with its ability to act as a promotional tool for government. Good policy, which leads to good legislation, requires time, research and extensive consultation. Legislation which is rushed into being with none of those prerequisites has a purpose beyond providing a framework for regulation.

In his book "Mission Impossible: Using Fantasy Documents to Tame Disaster" [[23] Clark, L. (1999) Mission Impossible: Using Fantasy Documents to Tame Disaster, Chicago, IL: The University of Chicago Press] Lee Clarke calls emergency plans for completely unmanageable disasters "fantasy plans". He says of these improbable plans,

"Under highly uncertain conditions rational planning becomes more difficult. Concomitant visions of the future will likely be distorted by inadequate or corrupt data, and by the poor conceptual scheme brought to bear on those data.

Planning then becomes a sign that organisations hang on themselves, advertising their competence and forethought, announcing to all who would listen, "We know what this problem is and we know how to solve it. "Trust us." Thus do organizations try to control the uncontrollable." (p4)

The same can be said of legislation which is created to fulfil no other need than to assuage community outrage and ensure the public is aware that their government is dealing with an issue. In a society constructed on the rule of law, we have a touchingly misplaced confidence that complex social issues can be legislated out of existence ("there oughta be a law about it").

The more complex the issue the less likely it is that legislation can solve it, but legislation is a relatively low-cost redress by Governments unable or unwilling to address society's wicked problems.

In the case of the current restricted breed legislation Victorian Governments enacted it, not to keep the public safe from fatal dog attacks, (because statistically they are already safe from a fatal dog attack), but because it recognised public outrage and used legislation to respond to this outrage.

While I have no doubt that politicians were deeply affected by the Ayen Chol tragedy, equally I have no doubt that they had any belief that their legislation was going to achieve any significant public safety gains. However it was sufficiently draconian, public and resourced (\$100,000 for a “dob in a dangerous dog” hotline which received 122 calls in the first day of operation) to reassure the community that the government was “doing something”. What it wasn’t doing was protecting the public from dogs; and what it really wasn’t doing was protecting dogs from the public.

The current Parliamentary review gives this government an opportunity to consider removing poor legislation which has no evidentiary base, and replacing it with humane, equitable and effective legislation for which there are models already in existence. At the least Victoria can look to the ACT, which has no restricted breed legislation and no greater incidence of dog bites than other states.

Beyond restricted breed legislation.

In August 2012, the Australian Veterinary Association released a policy paper "Dangerous Dogs - a Sensible Solution".

[https://www.ava.com.au/sites/default/files/AVA_website/pdfs/Dangerous%20dogs%20-%20a%20sensible%20solution%20FINAL.pdf]

The Victorian RSPCA proposes a similar model. [<http://www.rspcavic.org/documents/Campaigns/BSL/RSPCA-Information-Paper-Preventing-dog-attacks-in-the-community.pdf>]

The Calgary Model (Canada) which uses a community-engagement approach to building a shared understanding of the obligations and rewards of pet ownership.

[http://www.nationalcanineresearchcouncil.com/uploaded_files/tinymce/Community%20Model%20for%20RPO_Calgary.pdf]

All of these models rely on five principles (these are sourced from the Calgary Model).

1. Requiring that owners license their pets and provide permanent ID.

2. Facilitating and requiring the proper care, training, and socialization of pets.

3. Spaying and neutering pets if they are not part of a responsible breeding program.

4. Not allowing your pet(s) to become a threat or nuisance in the community.

5. Procuring your pet(s) ethically and from a credible source.

The current restricted breed legislation is an example of poor legislation. It:

- fails to address problematic owner behavior (killing dogs doesn't teach bad owners to be responsible)
- discriminates against responsible pet owners (and discourages compliance because of fear that harm might come to their dog)
- Places unequal financial burdens on some, but not all, owners
- places a burden on already strained public departments and private nonprofits who must deal with an influx of animals when owners are forced to comply with new laws
- creates unsolvable enforcement problems for animal control officers (as we've seen, identifying a restricted breed dog is an impossible task for compliance officers)
- wastes precious public resources and/or diverting funds for enactment and enforcement (the legal bill for councils defending dog seizures has been in the hundreds of thousands)
- costly and time-intensive legal challenges.
- setting neighbours against each other (the dob in a dog hotline wasn't a winner in building community cohesion)
- altogether failing to solve the problem they were created to address (dog bite statistics aren't improving).

[\[http://nationalcanineresearchcouncil.com/dog-legislation/effective-v-ineffective-laws/\]](http://nationalcanineresearchcouncil.com/dog-legislation/effective-v-ineffective-laws/)

Shared responsibility

The key to all of these models is humane and responsible dog ownership under a shared understanding of rights and obligations.

The reality is that the majority of Australian pet owners are responsible carers. 39% of Australian households own dogs, 63% of households own a pet. We collectively spend over 1.6 billion dollars a year on food, services and products for our pets. Our animal charities are some of the richest charities in Australia.

To invoke a different piece of government policy, the National Strategy for Disaster Resilience was written on a basis of shared responsibility. A resilient community is a community willing and able, to take responsibility for the safety of its members.

As a strategy the document is more hopeful than realised. However, it recognises an important truth - that communities are more willing to take responsibility when they are also given ownership.

Punitive, authoritarian approaches to compliance rarely pay dividends in the long term. Effective public policy harness the public's willingness to embrace change in the service of a greater good.

Victorian pet owners are, frankly, being sold a pup. We're not safer, councils are wasting our money on legal fees, resources are being diverted from enforcing existing laws and nice dogs are dying.

We need simpler, equitable legislation which gives all pet owners the same rights and expects of them the same obligations. We need better education programs in dog behaviour and management, owner support for problems and compassionate enforcement of compliance.