

A1 Control of dangerous and menacing dogs

(reviewed 04/01/15)

1 Introduction

- 1.1 For as long as human beings continue to interact with dogs, there will be incidents of dog bites. However, the frequency and seriousness of such incidents can be greatly reduced through the implementation of evidence-based dog management strategies.
- 1.2 Dangerous and menacing dog management is the responsibility of the states and territories, and is carried out at the local government level. This position paper sets out RSPCA Australia's position on effective legislative approaches to the management of dangerous and menacing dogs. In doing so, it incorporates the strengths of existing laws and highlights some deficiencies that require reform. State governments are encouraged to coordinate their policies to promote greater national consistency in their approach to dangerous dog management.
- 1.3 This document must be read in conjunction with the following RSPCA policies and information paper:
 - Policy A8 Dog management
 - RSPCA Information Paper - Preventing dog attacks in the community

2 Definition of a dangerous dog

- 2.1 RSPCA Australia defines a dangerous dog as any dog which attacks a person or other animal causing physical injury or death, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death.
- 2.2 Exceptions to classifying a dog as dangerous by this definition should be considered where a dog has been clearly provoked into attacking a human or other animal in self-defence, defence of a human or their property, or where a dog instinctively attacks an animal normally considered as prey.

3 Breed

- 3.1 RSPCA Australia considers that any dog of any size, breed or mix of breeds may be dangerous and thus dogs should not be declared dangerous on the basis of breed or appearance. Each individual dog should be assessed based on their behaviour.
- 3.2 RSPCA Australia does not support dog management legislation that discriminates against specific types or breeds of dogs.

4 Responsibility

Responsibility for the behaviour of a dog rests with the owner and is exercised through the considered selection of a suitable dog for the owner's circumstances, the provision of a caring upbringing in a positive environment with appropriate reward based training, and by ensuring effective control of the dog. The principle of owner responsibility is firmly established in existing dog management legislation.

5 Legislation

Provisions for the control of dangerous dogs should be incorporated into existing state and territory dog management legislation. It is important that the legislation is drafted in such a way as to provide simple straightforward definitions, direction and courses of action to facilitate enforcement. Local government officers should be provided with sufficient support, training and information to allow them to administer such legislation in a fair and appropriate manner.

6 Declaration of a dangerous dog

- 6.1 Declaration of a dangerous dog should be made by the relevant municipal authority on the basis of actual behaviour of the dog in accordance with the above definition. A statutory declaration supported by appropriate evidence of the dog's behaviour (including witness statements, veterinary reports, expert behavioural assessments etc), is the minimum required to initiate the declaration of a dangerous dog.
- 6.2 Written notification must be provided to the owner of the intention to declare a dog as dangerous, setting out the reasons for the decision, the terms of the proposed declaration, and the appeal process.
- 6.3 An owner must be given the opportunity to appeal the decision within a reasonable time (minimum of 28 days). A range of evidence such as veterinary reports, independent behavioural assessments by qualified behavioural specialist, statements from community members and police may be submitted to support such an appeal.

7 Management of declared dangerous dogs

7.1 *Identification*

All declared dangerous dogs must be permanently identified by microchip (see policy statement **A**). In addition all declared dangerous dogs must wear an approved collar which is coloured in such a way as to clearly indicate to an observer that the dog has been declared dangerous. All access points to a property on which a declared dangerous dog is confined must also be marked by an approved sign which clearly indicates to all adults and children that a declared dangerous dog is on the property.

7.2 *Registry of dangerous dogs*

A specific national registry should be established to enable all declared dangerous dogs throughout the country to be registered within a centralised database. The registry should be administered by an appropriate government body with access provided to all local government authorities. Local government authorities would be required to record sufficient identifying particulars relating to the dog and information about the dog's past actions to enable interstate traceability and management. The registry should also include information about any offences committed by the dog's owners under state animal management legislation.

7.3 **Control**

All declared dangerous dogs in public places must be under effective physical control via an appropriate leash and be required to wear an effective (properly fitted) muzzle.

See also - Policy A7.5 Devices used to modify behaviour

7.4 **Desexing**

All declared dangerous dogs must be surgically desexed.

7.5 **Confinement**

- a When on its owner's property, a declared dangerous dog must be maintained in an escape-proof enclosure, indoors, or in any other housing deemed suitable by the relevant local government authority.
- b Where a declared dangerous dog is held in an enclosure, it must be of adequate size to provide the opportunity for the dog to move freely about and must contain appropriate shelter, enrichment, and accommodation to ensure a positive mental state. The enclosure should be sited near the owner's house to enable direct access to the enclosure and for the confined dog to be visible from the house at all times.
- c Declared dangerous dogs should be given the same provision for regular exercise as other dogs (see policy statement **A**).

7.6 **Notification**

When an owner of a declared dangerous dog moves residence/locality they must notify the municipal authorities at the previous and new locations, or, if the move is within the resident municipality, the change of address must be notified.

7.7 **Right of property access**

Local government officers should have right of access to residential properties on which a declared dangerous dog is confined for the purpose of ensuring that all legislative requirements are being met by the owner.

7.8 Rehabilitation programs

- a Declared dangerous dogs should be required to undergo veterinary assessment and behavioural consultation and training with a qualified veterinary behaviourist or qualified behavioural specialist to identify any potential strategies for moderating or eliminating the dog's aggressive behaviour.
- b Owners of declared dangerous dogs should be given the option for their dog to be re-assessed after undergoing an approved rehabilitation program for refinement of the conditions imposed upon keeping the dog in order to improve the dog's welfare.

8 Importation of dogs to Australia

The importation of dogs to Australia must comply with the *Customs (Prohibited Imports) Regulations 1956*. If a dog being held in quarantine is considered by an experienced animal handler to be exhibiting behaviour indicative of a dangerous dog, then the dog must be submitted to a comprehensive behavioural examination by a qualified behavioural specialist whilst in quarantine. If the dog fails such an examination the local government authority responsible for the area in which the dog is intended to reside should be notified before the dog is released to its owner.

9 Menacing dogs

- 9.1 The category of 'menacing dog', may be used in legislation to apply to dogs that have repeatedly exhibited threatening behaviour (such as rushing at or chasing a person without provocation), but do not meet the definition of a dangerous dog.
- 9.2 Declaration of a dog as a 'menacing dog' must be subject to the same process and opportunity for appeal as that specified for a dangerous dog (see section 5).
- 9.3 All declared menacing dogs in public places should be required to be under effective control via an appropriate leash. Declared menacing dogs should not be subject to the additional restrictions placed upon declared dangerous dogs other than being confined on their owner's property such that they cannot continue to pose a threat.
- 9.4 Declared menacing dogs should be required to undergo behavioural consultation with a qualified behavioural specialist to prevent their behaviour from escalating to that of a dangerous dog.
- 9.5 Owners of menacing dogs should be given the option for their dog to be assessed after undergoing an approved rehabilitation program for possible rescindment of a 'menacing' declaration.

9.6 All menacing dogs must be surgically desexed.