Victoria's future in responsible canine guardianship
Smarter laws, safer communities.

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July 2015

Revised October 2015.

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Executive summary

We have a vision for evidence based, best practice companion animal policy that benefits the Victorian community, including our dogs that are an important part of it.

Far from protecting the Victorian public, the current policies have presided over a disproportionate increase in dog bite injuries in the State. Of most concern is the significant increase in injuries requiring admission to hospital for treatment have over this period. Taking into account population growth, Victoria has experienced an estimated 133% increase in admissions to hospital for dog bite injuries since restricted breed laws were introduced in 2002.

Victoria's breed specific legislation (or, more accurately, 'type' or appearance specific) has caused significant taxpayer expense to both State and local governments. Despite the laws being amended several times in attempts to make them more workable, court cases involving restricted breed declarations are notoriously lengthy and therefore expensive. There has also been great personal cost in the community, the suffering of pets and their families.

Victoria's experience is not unique. Many jurisdictions have repealed breed based laws after finding them to be costly and ineffective in reducing dog bite injuries. There is growing trend towards education-first approaches to animal management, facilitating voluntary compliance, as this is proving more effective than enforcement based approaches.

Breed and appearance based approaches are fundamentally flawed as a dog's behaviour cannot be predicted based solely on its appearance or genetics alone. Most factors attributed to dog bite incidents centre on how the dog is raised, kept, and managed, including its early experience, health and socialisation.

Dog bite prevention measures should be based on a sound understanding of dog behaviour and risk factors for dog bite injuries. Effective policies have universally focused on voluntary compliance with responsible canine guardianship and its component pieces. These components include registration, microchipping, desexing, education, training, socialisation, health and regulation of threatening and nuisance behaviour.

Responsible canine guardianship policy and programs aimed at dog bite prevention are most efficiently considered alongside other initiatives aimed at humane companion animal management. These initiatives centre on pet retention and pound prevention, such as high volume, low cost desexing and microchipping.

This report highlights the problems with breed and type specific approaches, and identifies responsible canine guardianship as a feasible alternative. Recommendations for improvements are made, including recommendations for the Parliamentary Committee's consultation in conducting the inquiry into the effectiveness of Victoria's restricted breed legislation.

It is our hope that the parliamentary inquiry marks a proactive shift by the Victorian Government away from outdated and unhelpful policies towards effective, evidence-based ones. There is nothing stopping Victoria from setting the new world standard of best practice.

Summary of recommendations

For detailed recommendations see section three.

Set a new direction for Victoria

Victoria should put in place effective ongoing policies, laws and programs that aspire to best practice evidence-based companion animal management. This means accepting the overwhelming evidence that breed or type specific approaches do not improve public safety (and, in fact, often decrease it), and joining the many jurisdictions adopting well-resourced, breed-neutral, education-first approaches to responsible guardianship.

We recommend that the Victorian Government adopts the following pillars of safe and humane approach to animal management:

- Absolute owner onus: guardians are complete responsibility for the dog's actions and are required to take all reasonable steps to ensure it behaves appropriately and is properly cared for.
- 2. Clear and consistent expectations: make it easier for owners to understand, and comply with, their obligations as responsible canine guardians.
- 3. Facilitate voluntary compliance: help the well-intentioned to do the right thing by
 - a. subsidising services that keep dogs safe and well-cared for
 - b. incentivising voluntary compliance
 - c. building relationships between animal management and dog owners.
- 4. Penalise where appropriate: target enforcement on blatant or repeat offenders.
- 5. Act transparently: transparency in policy development, execution and efficacy.

The Victorian Government should adopt the principles of responsible pet ownership:

- Licence and permanent identification to guickly reunite lost pets with their families
- Desexing initiatives reduce unwanted litters humanely*
- Training, socialisation, proper diet and veterinary care produces safe, healthy animals
- Proper management prevents pets from becoming a threat or nuisance
- Responsible procurement of pets from an ethical and credible source

Establish a resourced agenda for reform

We recommend the establishment of a taskforce of at least five full-time equivalent, appropriately qualified, staff funded for a minimum of five years. Advice and other services from subject matter experts to support this group should be commissioned.

^{*} Mandatory desexing is not supported as it has been proven to increase impounding (and therefore euthanasia) rates of companion animals, as well as being a drain on animal management resources with no measurable benefits when it comes to either public safety or euthanasia rates.

The group should be provided with sufficient budget to enable them to procure this expertise and produce the work outlined below. Following this initial boost of funding there needs to be a commitment to recurrent funding of ongoing programs and regular evaluation as part of a process of continual improvement.

The Companion Animal Management Reform taskforce should undertake the following:

- developing policy guidance to support government's new direction of an education-first approach targeting voluntary compliance through education, subsidies and incentives
- amending legislation to reflect this policy direction, including repealing breed-based clauses
- reforming animal management services to enable pound prevention, pet retention and redemption outcomes to be achieved
- revising the criteria for approved organisations and qualified trainers
- establishing infrastructure and systems for data collection, monitoring, evaluation and reporting
- developing resources to support owners in being responsible guardians, and local government in on-ground delivery
- facilitation of collaboration and efficiencies between local governments.

Consultation to inform the parliamentary inquiry

As dog bite prevention is about managing both dog and human behaviour the Economic and Infrastructure Committee should seek advice from experts in dog behaviour and education, as well as animal management policy specialists. A number of local subject matter experts from both applied and academic areas have a global awareness of relevant issues and can offer salient, actionable feedback based on a combination of proven approaches worldwide.

We ask the Committee to seek the best expertise possible, locally and internationally, on the following subject matters:

- understanding, modifying and managing dog and human behaviour
 - dog behaviour experts, particularly dog bite prevention specialists and those that work with aggressive dogs on a regular basis
 - o anthrozoologists specialising in human-canine interactions
 - behavioural psychologists
 - education experts (including early and adult education)
 - o experts in dog bite injury analysis e.g. the Monash Injury Research Institute
- animal management policy and programs, including:
 - experts with experience in jurisdictions that have implemented responsible canine guardianship programs, including the National Canine Research Council; Bill Bruce, Former Director of the City of Calgary's Animal & Bylaw Services and co-author of this report; and Janis Bradley, author of *Dog bites: problems and solutions*
 - those achieving real on-ground change through innovative community based programs in responsible and humane companion animal management, including Team Dog (Director Mel Isaacs is a co-author of this report), the Paw Project, and PetRescue.

1 The problem

1.1 Dog bite injuries are increasing in Victoria

Hospitalisations

Admissions to hospital for dog bite injuries have significantly increased in Victoria by an estimated 197% over the past 15 years.¹ Double the amount of people are now being admitted than prior to restricted breed laws, with 770 people were admitted for treatment in 2013/14.

Taking into account Victoria's growing population the increase per 100,000 people is a substantial 133%. 13.1 in every 100,000 people were admitted to hospital for bite injury in 2013/14, up from 7.3 in 1999/00.

There is a correlation between increasing dog bite injuries and the key phases of breed specific legislation in Victoria. As shown in Figure 1 below, the average hospital admissions have increased each time the legislation was 'improved'. While this highlights the ineffectiveness of restricted breed legislation, it also indicates simultaneous failures in other areas such as education.

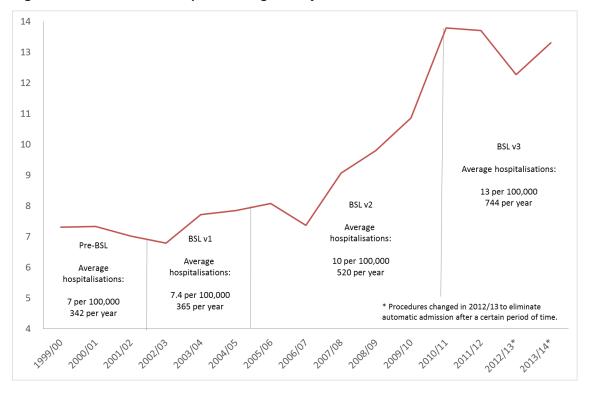


Figure 1: Admissions to hospital for dog bite injuries in Victoria from 1999/2000 to 2013/14[†]

[†] Victorian Admitted Episodes Dataset and Estimated Resident Population from the Australian Bureau of Statistics. For the purposes of this analysis the key periods of restricted breed legislation considered were:

[•] Pre-BSL: restricted breed legislation was first introduced in 2002. Hospital data is not available prior to 1999/00.

[•] Victorian BSL v1: the first restricted breed clauses were introduced into the then *Domestic (Feral and Nuisance) Animals Act 1994* (now *Domestic Animal Act 1994*) by the *Animals Legislation (Responsible Ownership) Act 2001.*

Victorian BSL v2: the Primary Industries Legislation (Further Miscellaneous Amendments) Act 2004 added further clauses to the then Domestic (Feral and Nuisance) Animals Act 1994 (now Domestic Animal Act 1994)

Victorian BSL v3: Domestic Animals Amendment (Dangerous Dogs) Act 2010, Domestic Animals Amendment (Restricted Breeds) Act 2011 and Crimes and Domestic Animals Acts Amendment (Offences and Penalties) Act 2011 increased restricted breed clauses in the Domestic Animal Act 1994 and Crimes Act 1958. Victoria entered another phase when the Domestic Animals Act Amendment Act 2014 came into force in July 2014.

Victoria's experience has predictably mirrored the collective global experience where breedbased laws have not reduced dog bite injury but have actually facilitated increased injury rates (see section 1.4).

At 43 injuries per 100,000 people in 2013/14, Victoria has a dog bite injury rate of more than twice that of Calgary during their responsible pet ownership program (described in section 2.2). In 2013-14 an average of seven people a day presented to hospital with dog bite injuries in Victoria.

Table 1: Cases of hospital admissions and emergency department treatment in Victoria

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012/	2013/
	/00				/04						/10	/11	/12	13*	14*
Admitted for	342	347	336	329	378	389	406	376	472	521	588	758	765	697	770
treatment*	342	347	330	323	370	303	400	370	4/2	321	300	736	703	037	770
Treated in	1,365	1,247	1,319	1,394	1,598	1,711	1,724	1,683	1,729	1,713	1,684	1,604	1,763	1,568	1,752
emergency^	1,303	1,247	1,313	1,334	1,330	1,711	1,724	1,003	1,723	1,713	1,004	1,004	1,703	1,306	1,732
Total hospital	1.707	1,594	1,655	1,723	1,976	2,100	2,130	2,059	2,201	2,234	2,272	2,362	2,528	2,265	2,522
presentations	1,707	1,354	1,055	1,723	1,370	2,100	2,130	2,055	2,201	2,234	2,212	2,302	2,320	2,203	2,322

^{*} Procedures changed in 2012/13 to eliminate automatic admission after a certain period of time.

Trends in age

Young children are most at risk of injury, particularly those under the age of four. They are hurt predominantly in the head and face area.² The proportion of hospitalisations for under 10's has remained consistently high at an average of 22.6 per 100,000 for four years and under, and 15.4 per 100,000 for five to nine year olds. The Victorian Injury Surveillance Unit has noted significant increases in hospital admissions for people over 10 years old.

It is possible that education interventions targeted at young children may have helped to prevent this age group from being including in the increasing trend of dog bite injury hospitalisations. There is a decreasing trend of young patients being treated in the emergency department (as opposed to being admitted).

A word on data

This analysis was based on the best data available to the authors at the time. There are huge deficiencies in understanding the nature of dog bite injuries, as well as the extent and nature of nuisance and aggressive behaviours, in the State.

Since 2005 New South Wales has legislated mandatory reporting for councils for all dog attacks occurring within their jurisdictions. The reporting is completed through a Government-run register which also stores microchip and registration information, and includes such information as: the severity of injury inflicted; where the dog attack occurred; whether the attack was on another animal or a person (and if a person, the age group they belong to); whether the dog was controlled or provoked; and whether the owner was present.

While this reporting system could certainly be improved on, the fact that the information is gathered in a central location and the submitting of this information is mandatory allows for fairly helpful statistics to be available in regards to dog attack trends and circumstances.

[^] This is an incomplete dataset as hospitals began contributing to the dataset at different times

1.2 Breed specific legislation has cost Victoria's taxpayers

Despite investment in several amendments of the *Domestic Animals Act 1994* (the Act) attempting to make restricted breed clauses more workable, court cases involving restricted breed declarations have proven to be notoriously lengthy and expensive, involving multiple hearings and appeals. For example, Monash Council had to increase their animal registration fees by 25% in 2014 (disincentivising voluntary compliance) to help fund bills of over \$180,000 for two restricted breed dog cases.³

Court cases involving restricted breed declarations benefit only:

- the organisation receiving daily impoundment fees for extended period (e.g. in the case of Mylo discussed below, impound fees are estimated to be in the vicinity of \$40,000),
- and the legal professionals commissioned for the case.

Recognising that fighting these restricted breed declarations was unsustainable for local governments, the State recently changed the law to put the exorbitant costs of impound back onto the owner. This places inordinate financial pressure on the dog's owner to give up on pursuing the appeals process, to which they are entitled for the restricted breed declaration, and save their dog's life.

Animal Management Officer (AMO) resources and time are generally not abundant in most councils. Restricted breed and greyhound muzzling laws ensure that a large amount of these precious resources are wasted in the investigation and declaration of dogs that have not been involved in any incident involving threatening and/or aggressive behaviour that could be considered menacing or dangerous under the Act.

Restricted breed laws have cost the State in legislative processes, and local government in court cases and AMO time. This expenditure has been a complete waste of both time and money, as these measures have not reduced dog bite injuries. Taxpayer resources would have been better invested in practical on-ground actions to address and combat well-documented contributing factors to dog bite injuries. Actions such as discounted microchipping and desexing initiatives; registration and fence checks; thorough investigation and action of dogs showing nuisance, menacing or dangerous behaviour in the community; and education and incentives for responsible owners.

Investment in responsible canine guardianship would be far more effective when considered against the legislative, judicial and hospital costs arising from ineffective breed based and enforcement based approaches.

Case study: Mylo and the City of Brimbank

Mylo is a family pet assessed as having a docile and affectionate temperament suitable for therapy work. After escaping his property Mylo was impounded for over two and a half years at substantial expense to Brimbank Council (estimated in the vicinity of \$250,000-\$300,000)⁴ while his case to determine if his physical appearance matches specific visual criteria went back and forth between the Victorian Civil Administrative Tribunal (VCAT) and the Supreme Court. Brimbank lost this case as Mylo was found to not meet the criteria for a restricted dog and was returned to his owners.

1.3 Breed and appearance based approaches are fatally flawed

There are many fundamental flaws with basing an approach to community safety on breed or an appearance/type. These flaws are discussed in this section:

- All dogs are individuals. Their behaviour cannot be predicted based on appearance.
- Aggression is often poorly defined and understood.
- The 'numbers needed to treat' are unfeasible.
- Breed/appearance specific approaches produce unintended consequences.

All dogs are individuals. Their behaviour cannot be predicted based on appearance.

A dog's behaviour is influenced by their own unique combination of genetics, experience (including early experience, training and socialisation), health and the circumstances at any point in time (e.g. familiarity, predictability, presence of threat or prey, etc.). Behaviour is clearly understood to be subject to epigenetic change - variations in the expression of a gene influenced by external, environmental factors.

A dog's behaviour cannot be predicted based on its appearance or genetics alone. When we look at a dog, we are only seeing roughly 50 of their 20,000 genes. That is, 0.25% of their entire genome. The set of 50 genes associated with physical appearance is different from the set of thousands of genes responsible for brain development and function.⁵

Numerous studies have shown little correlation between the visual identification of dogs by adoption agencies and animal management, and the results of DNA testing. A survey of more than 900 people in dog-related professions and services and showed that respondents frequently disagreed when making visual breed identifications of the same dog, and that their opinions may or may not have correlated with DNA breed analysis. This shows that the idea that a dog's breed or mix can be definitively decided by its appearance by an animal professional (which is employed in Victoria for the purposes of restricted breed legislation) is fundamentally flawed. In effect, it legislates against a particular 'type' or appearance of dog, whether or not that dog's genetic makeup is in fact comprised in part or in whole by the breeds legislated against.

Aggression is often poorly defined and understood.

Aggression is a broad term that needs definition, as prey driven behaviour is often conflated with aggression despite having an entirely different instinctive goal.

Human directed aggression has been found to be highly context specific, suggesting that it is largely a learnt response. Aggressive behaviour is composed of many motivating factors as opposed to being a simple, inherent characteristic of an individual; thereby making it inappropriate and inaccurate to assume an individual's risk based on breed.⁷

The 'numbers needed to treat' are unfeasible.

In the event that an individual breed was found to be overly represented as a result of well collected, relevant data gathering (and we authors emphatically state here that this is not the case), the number of dogs needed to be taken out of the population to have any real effect on serious dog bites is enormous and unrealistic. "Dog bite-related fatalities are so extremely rare that not even a state could ban enough dogs to insure that they had prevented even one."

Beyond this limitation is the consideration that there would also be an extensive waste of time and effort routing out and killing a high number of individuals which do not, and never would, go on to pose any threat to the families and communities that they live in.

Breed/appearance specific approaches produce unintended consequences.

The enactment of breed specific legislation can create a false sense of security in the general population when it comes to risk factors surrounding dogs and dog aggression. The inference in the enactment of these laws is that aggression in dogs is breed or appearance based, which provides a dangerous message to the populace that dogs that do not fit the physical descriptor for a restricted dog are low risk or 'can be trusted'. This can result in members of the public placing themselves, their children or their animals in high-risk situations under the assumption that a dog must be 'safe' due to its appearance.

There are also unintended consequences to these laws that are entirely counterproductive to the goal of improving community safety. Such laws deter people from taking their dogs to the vet (who are now legally required to report dogs of the specified physical appearance of a restricted breed dog to authorities) or to dog training and socialisation classes, both of which are important sources of education for inexperienced dog owners as to the proper care and management of their dog.

They also result in owners not registering their pets to avoid detection, resulting in less funding for animal management departments and issues with compliance for local government. Take for example the situation whereby it was discovered in June 2015 that a Brimbank Council Animal Management Officer had not registered his American Staffordshire terrier, presumably due to the potential for his dog to be targeted under Victoria's current legislation.⁹

Owners may be less likely to take their dogs in to public places for fear of detection, resulting in less exercise and socialisation with people, other animals and external stimuli - all of which can be contributing factors to the likelihood of a dog showing aggressive behaviour, as well as other behaviour problems such as nuisance barking and escaping.

In addition, such legislation will not deter owners who wish to obtain a particular breed or type of dog for nefarious purposes (i.e. intimidation or threat) and will therefore encourage negative behaviours in the dog, as those with such intent will not be discouraged by law. The legislation may, in fact, cause the 'type' of dog legislated against to be more appealing to those that seek the ownership of a dog for negative or illegal purposes. Instead, complete owner onus for the dog's wellbeing and behaviour offers a tangible, readily enforceable option to better ensure the welfare of the dog and the community it lives in.

1.4 Breed specific laws have failed elsewhere

The global experience is that breed specific legislation is ineffective and costly. Many jurisdictions have repealed breed laws and there is a clear trend towards breed-neutral approaches that hold guardians responsible for their dog's behaviour.¹⁰

The Australian Veterinary Association found that the number of dog attacks increased steadily in New South Wales over the period 2004-2011 despite the introduction of breed specific legislation in 2005, concluding that the laws were ineffective in reducing attacks.¹¹

Studies in the Netherlands, United Kingdom, Spain, Italy, Canada and the United States have shown that breed specific legislation has failed to decrease dog bite injuries. Many jurisdictions, including Lower Saxony, Germany; Ohio, USA; Italy; The Netherlands; and many cities and counties within the USA, have repealed breed based laws after finding them ineffective.

For example, studies evaluating breed bans in Canada have found that the bans had not significantly reduced dog bite injuries in the Province of Ontario and city of Winnipeg, Manitoba. Ontario enacted a breed ban in 2005 and in 2010, based on a survey of municipalities across the Province, the Toronto Humane Society reported that, despite five years of BSL and the destruction of "countless" dogs, there had been no significant decrease in the number of dog bites.¹³ Winnipeg, Manitoba enacted a breed ban in 1990. Winnipeg's rate of dog bite-injury hospitalizations is virtually unchanged from that day to this, and remains significantly higher than the rate in breed-neutral, responsible pet ownership Calgary.¹⁴

Eighteen American states have passed 'pre-emptions' on the enactment of breed specific legislation, preventing cities or counties within that state from passing appearance or breed based regulation of dogs in the future.

Breed laws have been rejected by the Australian, American and United Kingdom veterinary associations and Australian and United Kingdom RSPCAs. In the United States, a large range of relevant but non-animal welfare related organisations also reject BSL as a dog bite prevention approach, including the National Animal Control Association, Centers for Disease Control, and Bar Association. The White House stated "research shows that bans on certain types of dogs are largely ineffective and often a waste of public resources". ¹⁵

Case study: Prince George County

In 2003, Prince George's County authorized a task force to examine the results of their ban, in place since 1996. The task force reported that the ban was ineffective, has a negative impact on public safety, stretches animal control and sheltering resources thin, and costs approximately a half million dollars a year to enforce.¹⁶

2 The solution

2.1 Effective dog bite prevention has a sound basis

It is imperative that governments investigate and create evidence based policy for companion animal management in the community if we are to increase public safety surrounding dogs. This policy must be based on a sound understanding of the behaviour of both dogs and humans, to inform selection of appropriate risk mitigation strategies and programs.

Most factors attributed to dog bite incidents centre on how the dog is raised, currently kept, and managed, including its early experience, health and socialisation.¹⁷ These are husbandry factors and are highly manageable.

The majority of dog bite injuries and fatalities could be prevented by ensuring appropriate supervision of human-canine interactions. In the world's biggest study of dog bite related fatalities the evidence shows that the majority of deaths involved a person unable to manage interactions with a dog, and/or the lack of an able-bodied person available to intervene.¹⁸

There is increasing realisation of the importance of the distinction between family dogs that have daily, positive interactions with people, and resident dogs living in relative isolation. Family dogs have been defined as "dog[s] whose owners kept them in or near the home and also integrated them into the family unit, so that the dogs learned appropriate behaviour through interaction with humans on a regular basis in positive and humane ways." In other words, they are better integrated into society, and likely better cared for and trained, than dogs living on the property in isolation from the family unit.

Restricted breed legislation is extremely counterproductive in that it essentially legislates that a dog be kept as a resident dog - potentially increasing the likelihood of that dog displaying undesirable behaviours in the future. For this reason, such legislation can sometimes become somewhat of a 'self-fulfilling prophecy', in that it increases the likelihood of dogs of a particular appearance or breed in a community to display aggressive behaviours.

Dogs that were not desexed were a significant co-occurring factor in dog bite related fatalities, however it is unclear if this is a result of causation (i.e. dogs that are not desexed are more likely to show aggressive behaviours) or correlation (i.e. owners who are less responsible for the behaviours of their dog are less likely to desex them).

Mandatory desexing has been shown in other jurisdictions to increase impounding (and therefore euthanasia and destruction[‡]) rates of companion animals, as well as being a drain on animal management resources, with no measurable benefits when it comes to either public safety or euthanasia/destruction rates.

For these reasons the authors do not recommend mandatory desexing legislation in response to this finding, however reduced registration rates for desexed dogs and widespread access to free or low cost surgeries for low income residents is strongly encouraged.

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[‡] The authors make the distinction between euthanasia and destruction or killing. Euthanasia refers to death induced for humane reasons. Destruction refers to killing healthy and treatable animals.

Understanding human contribution to dog bite related fatalities

The world's best study of dog bite related fatalities found significant co-occurrence of multiple, preventable factors, ²⁰ including:

- no able-bodied person present to intervene (87%)
- victim unfamiliar to the dog/s (85%)
- dog not neutered/spayed (84%)
- victim's inability to manage interactions with dog/s (77%)
- dog/s kept as resident, rather than family pet/s (76%)
- prior mismanagement of the dog/s (37%)
- abuse or neglect of dog/s (21%)

Four or more of these factors occurred in 80% of the cases. Breed was not identified as a contributing factor.

The factors identified related primarily to supervision of interactions between dogs and vulnerable individuals, basics of humane treatment and control, and providing the dog with opportunities to live as a true family dog with regular positive interactions with people. These are choices that are likely to be easily incentivized in the majority of dog guardians who want to foster safe, humane communities, and suggest an educative rather than punitive approach to further decreasing injurious bite incidents.²¹

2.2 'The Calgary model': principles underpinning best practice

The City of Calgary in Alberta, Canada is world renowned for its innovative approach to animal management known as the Calgary model. With 'responsible pet ownership' at its core, this highly collaborative and effective model was developed specifically to enhance community safety, improve animal welfare outcomes and honour the human-canine bond.

Calgary's model is universally respected by the global animal management community for its efficacy in achieving improved community outcomes including reduced dog bite injuries, increased public engagement with local laws, and high public satisfaction with enforcement strategies.

The principles that drive the model also provide results that are heavily lauded by companion animal welfare advocates across the world due to the excellent welfare outcomes achieved. Amongst the outcomes that attract and hold what can fairly be described as a 'fan based following' are:

- extremely high rates of live release rates for dogs (±95%),
- highly successful pet retention programs,
- a huge focus on education of the key stakeholder (the public), and
- a practical acknowledgement and application of the important true distinction between killing and euthanasia.

Many jurisdictions have seen Calgary's success and followed suit; a further acknowledgment that this approach is recognised as best practice in modern animal management.

This model was born of significant consultation with key stakeholders, local and international academic and applied subject matter experts, and on the best available data including, but not limited to, peer reviewed works. It is also based on an understanding that substantial data gathering would be integral to the constant improvement of the process. Without measurement any claim of success can only be considered anecdotal, and this is indeed no basis for smart, effective legislation.

Through a process of 'reverse engineering' the City began by first identifying the outcomes desired by the key stakeholder and then used the consultation process mentioned above to go about achieving those results. Public satisfaction has always been a key component of the City's approach, and perhaps this is part of the reason for its popular success.

The model focuses on encouraging voluntary compliance through incentives, education and subsidised services.

Responsible Pet Ownership is a model that focuses on changing the behaviour of pet owners from problematic to acceptable. A positive change in human behaviour will always yield a positive change in animal behaviour. The foundation of any successful program starts with collaboration between all agencies involved with animals and a common understanding of the community's acceptable standards. With this knowledge, we can create programs and self-sustaining services that foster responsible pet ownership through education and recognizing the benefits of compliance, rather than relying solely on compulsion. Certain traditional approaches only create barriers to responsible pet ownership.²²

The principles underpinning Calgary's model facilitated a significant drop in dog bite incidents. Injuries reduced from 621 in 1985 to around 200 in 2008, despite a population increase during this time.²³ The rate of reported dog bite injury per 10,000 people fell from 10 in 1986 to two in 2006. Calgary also holds the highest rate of return to owner, and one of the lowest rates of euthanasia in North America.²⁴

Calgary has achieved an unparalleled level of compliance with its easy-to understand bylaw, through education that clarifies the responsibility of all pet owners, programs that facilitate pet owner compliance, and rigorous enforcement against violators.²⁵

Example of the Calgary's record of success: 2011

Reproduced from the National Canine Research Council²⁶

Funded entirely by animal-related revenues, primarily licensing. It receives no tax revenue.

- Over 111,000 dogs licensed, out of a total estimated canine population of 122,325.
- 90% (estimated) licensure compliance rate for dogs.
- 4,576 dogs impounded and a 95% live release rate:
 - o 87% returned to their owners;
 - 8% adopted to new owners;
 - 5% euthanized.
- Only 123 reported dog bites.

Calgary has a zero tolerance policy on unregistered dogs and a massive fine associated with non-compliance. In typical Calgary fashion however there are a multitude of ways in which dog licenses can be purchased - including being able to simply walk up to an officer and purchase one.

Beyond being a source of revenue, licences are promoted as an animal's ticket home. Calgary operates a 'drive home' policy where officers are instructed to return animals directly to their owner wherever possible, avoiding a visit to the pound entirely. In this situation the owners are charged a fee associated with collection of the pet.

The 'drive home' policy was devised based around stakeholder engagement and pure maths: it was more cost effective to take a pet straight home than it was to check it into a pound - and it provided the same payable fee to the City whilst reducing outgoings and administration.

Calgary worked hard to provide a significant 'rewards program' for residents with licensed pets. The program provided discounts on relevant products and services which saw owner's able to recoup their licensing costs or even see a profit on their investment in a license. This reward system was delivered without cost to the City, and promoted patronage of local business while providing a tangible benefit many times the price of the license value to dog owners.

Calgary is a leader in licensing compliance in North America with over 90% of dogs and 45% of cats licensed. The City employed multiple people in full time roles to track non-renewal of licenses and adjust records accordingly, maintaining them as accurate repositories of information. These roles were assessed to more than pay for themselves in terms of income.

To support voluntary compliance with the responsible pet ownership bylaw the City subsidised access to desexing programs, training and microchipping.

No officer ever gets called out to a property because the neighbour's pets are too good, never bark or howl, never threaten or bite and are well cared for.²⁷

Education on safe interactions with dogs and responsible pet ownership is provided to school children in kindergarten to eighth grade, adults, and those who speak English as a second language.²⁸ The City employed two full time qualified teachers to deliver integrated programs from roughly prep to year ten.

Animal management officers addressed issues at the first sign of trouble, as one aspect of non-compliance, such as a barking dog, may be indicative of other management and/or welfare issues. As the City had an 'education first' approach; this action didn't necessarily involve issuing a fine.

When education doesn't achieve responsible pet ownership the law is enforced. The City legislated that the Director has the flexibility and power to be able to prescribe appropriate remedial measures, for example: training, muzzling, confinement, and short leashes. They could also lift any conditions on a pet licence once the owner had demonstrated an improvement. At the height of its success the City of Calgary applied a zero tolerance approach to aggressive or dangerous dogs, unlicensed dogs, and deliberately negligent or irresponsible owners.

The five principles of the Calgary model of responsible pet ownership²⁹

- Licence and permanent identification to quickly reunite lost pets with their families
- Spay or neuter initiatives reduce unwanted litters humanely
- Training, socialisation, proper diet and veterinary care produces safe, healthy animals
- Proper management prevents pets from becoming a threat or nuisance
- Responsible procurement of pets from an ethical and credible source

Calgary is a jurisdiction with total control over every aspect of the animal management system. The City makes the laws, issues licences, delivers education, operates pounds, etc. Responsibilities are divided amongst State and Local Governments in Victoria, with some services provided privately. Section 3 considers how best practice principles of animal management can be adapted to the Victorian situation.

2.3 Lessons learned from Calgary

Calgary's experience also clearly demonstrates the importance of sustaining investment in responsible canine guardianship and education programs. In early 2012 Mr Bill Bruce retired from his role as the City of Calgary's Director of Animal and Bylaw Services.

Since that time there have been multiple other individuals take on the role, however the City has never since managed to meet the same standards and outcomes as under Mr Bruce. Far from revealing weaknesses in the City's approach, this provides Victoria with a completely unique learning opportunity. The choices made to cut spending on certain areas and shift programmatic focus to other areas means that there is a map of the correlations between aspects of the Calgary model and effects on animal management outcomes.

When the City began reducing investment in their proactive programs in 2012, dog bite injuries began to increase again. This serves as a warning against set-and-forget approaches, and leaving programs vulnerable to budgetary whims.

It is the belief of those writing this paper that this retrospective review provides meaningful insight into the importance of these aspects and how they affect a culture quite similar to our own.

3 Victoria's future in responsible canine guardianship

3.1 A modern approach to safe and humane animal management

A responsible canine guardianship framework can easily be established in Victoria with some initial investment in re-scoping policy and programs. In this section we discuss how the State can transition to a modern, safe and humane approach to animal management. This discussion is not limited to preventing dog bite injuries as a comprehensive approach brings additional benefits such as pet retention and pound prevention.

The transition will involve a dedicated shift in mindset, and commitment, to – education and incentives first – enforcement if necessary. This direction is starkly contrasted by the current approach of the Victorian Government. We outline below how improvements can be achieved, based on the adoption of the five principles of the Calgary model of responsible pet ownership:

- Licence and permanent identification to quickly reunite lost pets with their families
- Desexing initiatives reduce unwanted litters humanely§
- Training, socialisation, proper diet and veterinary care produces safe, healthy animals
- Proper management prevents pets from becoming a threat or nuisance
- Responsible procurement of pets from an ethical and credible source

Responsible canine guardianship defined

The term guardian reflects a higher level of responsibility towards championing a dog's health, wellbeing and behaviour. Responsible canine guardianship has two main components:

- Recognition of the dog as a companion animal
 - Though a dog is the property of its owner under law it is a companion animal, as opposed to being considered merely livestock. Accordingly, the way that our society views such animals is reflected, as is the owner's need to provide for that dog's physical and psychological wellbeing.
- Complete owner onus for a dog's behaviour and its outcomes

Beyond a requirement for an owner to provide enough sustenance and shelter to keep a dog biologically satisfied, guardianship implies an increased call to action and responsibility for stewarding that animal effectively through life. In line with this there is an expectation that the guardian of the dog be responsible for the actions of the dog, and take all reasonable steps to ensure it behaves appropriately and is properly cared for.

[§] Note that mandatory desexing is not supported as it has been proven to increase impounding (and therefore euthanasia) rates of companion animals, as well as being a drain on animal management resources with no measurable benefits when it comes to either public safety or euthanasia rates.

Pillars for a modern, safe and humane approach to animal management:

Adapted from Support, Inform, Then Enforce: Basic Principles for Safe, Humane Communities³⁰

1. Absolute owner onus

The owner is entirely responsible for the actions of the dog, and takes all reasonable steps to ensure it behaves appropriately and is properly cared for.

2. Clear and consistent expectations

Clear expectations of owners, as consistent as possible across the State, will make it easier for them to understand and comply with their obligations as responsible canine guardians. Consistency between municipalities can bring efficiencies and opportunities to collaborate. For example, shared templates for signage, animal management plans and other communication materials, and shared research and advice. The Victorian Government can support clarity and consistency across the state through policy guidance and facilitation of local government collaboration.

3. Facilitate voluntary compliance

The majority of dog owners are well-intentioned and want to do their best by their dogs and their community. Best practice animal management involves helping people to achieve voluntary compliance. Removing barriers to compliance involves:

- a. subsidising services that keep dogs safe and well-cared, for example, by providing free or low cost access to desexing, vaccinations/titre testing, microchipping, training, education and information
- b. incentivising voluntary compliance, for example offering discounts on registration and rewards programs for completion of activities such as attending training or desexing
- c. building relationships between animal management and dog owners through an education first approach and a proactive and compassionate presence in the community.

4. Penalise where appropriate

Stringent enforcement should be limited to those that offend blatantly, with clear disregard for public safety and/or animal welfare, and repeat offenders, where attempts at education have failed to result in compliance.

5. Act transparently

Transparency in policy development, execution and efficacy is important in engaging the public in an enduring fashion that serves to encourage voluntary compliance amongst the dog owning and loving public. Thoughtfully considered metrics upon which to judge success are required as there will always be issue with refining legislative approaches, and accurately identifying which elements of larger policies are underperforming.

3.2 The State as a leader and facilitator of reform

The Victorian Government's role in transitioning to modern, progressive approach to responsible canine guardianship centres on policy leadership and facilitating uptake of the new approach.

While local government holds much of the on-ground responsibility the State is in a position to build and implement a framework that empowers municipalities to deliver real change and serve those living and participating in their communities.

The Victorian Government needs to evolve towards contemporary, evidence-based policy that considers the above-mentioned:

- pillars of modern, safe and humane animal management
- principles of responsible pet ownership ('the Calgary model'), and the
- definition of responsible canine guardianship.

Relevant aspects of this policy should be enshrined in law, and breed-based clauses (i.e. restricted breed clauses and greyhound muzzling) repealed.

The current governance model necessitates that practical support from the State is required to enable improved outcomes to be achieved. The Victorian Government has a key role in working with local governments to enact change and ensure delivery of results. Facilitating information flow and adoption of improvements by the key deliverers is vital. Specific types of assistance are outlined below.

Funding is of course required, with an initial boost recommended (associated with the task force described below), followed by an ongoing commitment to sustaining recurrent funding of key activities. Investment in programs supporting voluntary compliance is not just more effective in terms of cost and dog bite prevention outcomes, it also provides societal benefits for people and improved welfare for their dogs.

Improving knowledge and skill base

The State Government needs to prioritise the sourcing of contemporary, evidence based advice from relevant subject matter experts (see above *Recommended consultation into inform the inquiry*). With appropriate input and analysis, this Parliamentary Inquiry could go a long way towards procuring this advice. In addition to this, sourcing advice at a state-wide, or potentially national, scale would bring efficiencies if disseminated to local government.

State, Commonwealth and/or local government collaborations could commission shared resources such as best practice guidelines and templates for management plans, contracts and communications.

A modern education-centric approach will rely on successful delivery on ground. Animal Management Officers need to be upskilled, and appropriate metrics introduced to ensure these professionals are capable of proactively working with the community.

Improving knowledge systems

The Victorian Government should implement a robust and resourced monitoring, evaluation and reporting framework. This would include a database of microchips, registration, incidents, Domestic Animal Management Plans, infringements, declarations, registration conditions and so forth. Ideally, this would be part of a national system to enable pets and owners to be tracked across jurisdictions.

By gathering information in a central location, and mandating submission of information, helpful statistics will be available to monitor trends in incidents, compliance and ownership. It should also hold useful information about circumstances involved in dog attacks - such as the severity of injury inflicted, where the dog attack occurred, whether the attack was on another animal or a person (and if a person, the age group they belong to), whether the dog was controlled or provoked, and whether the owner was present.

It is imperative that following the conclusion of the inquiry and the implementation of any changes, a mandatory reporting requirement for councils is introduced regarding dog attacks that occur and the circumstances surrounding them. Without clear data being gathered it is impossible to assess the impact and effectiveness of any legislative changes going forward.

Improving evaluations of temperament

Victoria currently employs a two part behavioural designation system in relation to dogs whose behaviour is labelled with the blanket term of 'aggression'. Dogs are designated as dangerous based on their actions resulting in a 'serious injury', or if they are a menacing dog that is not appropriately managed. Once designated as a dangerous dog there are permanent restrictions placed around how the dog is housed, handled and interacted with. The designation of dangerous cannot be lifted under any circumstance.

The Victorian definition of menacing can be applied to a dog for a number of reasons. It can be lifted, however there is a distinct lack of objective testing criteria available for such situations and a demonstrable lack of subject matter expertise referrals are available to individuals and councils alike.

Testing is typically carried out by individuals which are indoctrinated in the methodology and ideology of an individual organisation's temperament assessment paradigm, and all too frequently by individuals whose involvement is deemed convenient as opposed to preferable. This is problematic for a number of reasons including entrenched cultural and personal biases that become normalised and go unquestioned.

It is currently understood that most aspects of what is broadly known as 'temperament testing' is a predominantly subjective process, very much at the mercy of a number of difficult to control variables. Further retarding the current system's efficacy is the fact that many of these tests involve elements that are profoundly problematic.

One example of such a test is the 'hand in the bowl' test, using a piece of equipment commonly known as a 'humaniac'.** The test is utilised on the premise that it offers insight into the likelihood that a dog will resource guard when rehomed, and is conducted by frustrating a dog's peaceful consumption of a meal using a prop designed to mimic a human hand.

"The studies agree that, contrary to the beliefs common among shelters, food aggressive behavior is not a barrier to owners forming strong bonds with their dogs. The Wisconsin study reported that a lower percentage of FA+ dogs were returned to the shelter than FA- dogs. Dr. Marder and her group wrote that almost all of the adopters responding to their survey, whether or not they had adopted an FA+ dog, did not consider this behavior a challenge to their keeping the dog as a pet. Most of Dr. Marder's respondents, whether or not their dog was considered FA+, reported that they would adopt the same dog again."³¹

There are some temperament assessment models available which have large bodies of data behind them but this does not necessarily mean that these tests are reliable or valid. Tests such as the Swedish Mentality Test offer quite in depth evaluations of a dog's character,

^{**} http://animal-care.com.au/index.php/vmchk/Handling-Equipment/Helping-Hand/flypage.tpl

however administration of the testing procedures is made difficult due to the nature of the program, and the required skill level of the tester.

The authors recommend that any model of testing utilised should never represent a pass/fail outcome for a dog, as there are great number of ethical concerns with such a paradigm. By way of example, a dog tested in a pound environment is likely to be under increased emotional load and high levels of stress, and these factors alone should technically preclude such a testing environment if a realistic insight into the dog's character is being sought.

3.3 Responsible canine guardianship as part of a comprehensive reform

Policy and programs for responsible canine guardianship align well with, and would be most effectively considered alongside, broader initiatives aimed at responsible and humane companion animal management. Efficiencies could be gained by streamlining companion animal programs. Simple programs can facilitate multiple outcomes including community safety, animal welfare, and an improved human-canine bond. Examples include:

- supporting the public in accessing vet care, training and behavioural advice
- retrieving a lost animal sooner
- high volume, no or low cost desexing and microchipping.

Pound reform is essential

Responsible canine guardianship goes hand-in-hand with an ethos of supporting owners in keeping their pets and preventing them from entering the pound system. Impoundment is stressful on animals, and expensive for both owners and councils if the animal is not reclaimed. The only beneficiary in these instances are the third party contractors that provide animal management and/or pound services.

There are cheaper, less stressful, more productive ways to assist the public in containing and retaining their animals. The need for education, subsidies and incentives for responsible canine guardianship has been discussed previously, as has its benefits to both dog bite prevention and broader animal welfare.

Victoria's current system works against pets found at large being returned home as soon as possible. Vets aren't allowed to scan microchips unless they have specifically applied for, and been granted, permission to. This is a major barrier to promptly reuniting a pet with its owner. There is a need for these returns to be tracked, so that animal management officers can follow up with inspection, education and/or enforcement as appropriate for repeat offenders. This can be easily achieved without requiring every animal be impounded.

As an alternative, vets can simply be required to report animals as 'returned to their owner' through the surgery and thereby attentioning local council to follow up if necessary. While the community should not be expected to perform this role, many are willing and able to, as they see this is in the animal's best interest. Community groups, concerned individuals, and industry professionals alike are frustrated by the current system.

The majority of councils take pets found at large straight to the pound, thereby incurring impoundment fees as well as infringements for the owner. If the owner can't afford to immediately bail their dog out, the impoundment fees continue to escalate on a daily

basis. Costs often spiral out of reach very quickly and frequently results in the animal being abandoned.

A more progressive practice is 'drive home' policies where dogs are returned directly to their owner, at low expense, with an optional caution available for first time offenders. Impoundment stress and expense is avoided, and the animal management officer is able to educate the owner face-to-face about the relevant issues whilst inspecting in-situ the circumstances of the escape and providing direction on how to remediate any contributing factors.

Perhaps even more powerfully, drive home programs tangibly demonstrate to owners the benefit of registration and microchipping, as well as positively reinforcing to that individual the importance of continued compliance. Such measures are key to encouraging voluntary compliance within a community, and in particular one such as Victoria where there has never existed a perception of value related to registration fees.

The structure of the current pound model works against best practice of preventing animals from ending up in the pound in the first place. Arguably, the major beneficiaries of breed specific legislation are those businesses that provide contract animal management services. The mega-pounds servicing Melbourne councils have highly profitable models that are largely exempt from the payment of tax due to charitable status, and this binds them to direct financial surpluses back into furthering their own organisational objectives.

The animal welfare objectives of keeping dogs with their owners, and returning them as quickly as possible, do not align with this model. While pounds may claim they need the revenue from 'at large' impoundments and pursuant 'days held' to contribute to financial viability, this is not a business model that is in the best interests of Victorians and their dogs, nor one that we as a state should be proud of.

Revise criteria for approved obedience training organisations and qualified trainers

Ensuring better access to quality professional advice is important in supporting owners in their pursuit of becoming responsible canine guardians, and creating a self-perpetuating culture around that ideal.

The Victorian system for Ministerial approval of obedience training organisations, and only considering dog trainers that work for an 'approved organisation' as 'qualified' has many flaws. The current list of approved organisations is very limited.

This system predates industry leading qualifications that are specifically designed to deliver highly targeted information relating absolutely specifically to the training of dogs and the modification of canine behaviour. In Australia the only qualification that is specifically designed to address this need is the 22214VIC Certificate III in Dog Behaviour and Training, delivered via an agreement between the National Dog Trainers Federation (NDTF) and Precise Training.

The case of the National Dog Trainers Federation (NDTF) 22214VIC qualification is perhaps the posterchild of the need to overhaul a system of recognition which frustrates the dissemination of, and access to, relevant and contemporary training and behaviour advice to the average pet owner.

Over the past 12 years the NDTF has delivered this curriculum to in excess of 2,500 students, making it the largest accredited and government recognised provider of dog trainer training in the nation. The curriculum is delivered without ideological limitations, which means that contemporary understandings are communicated to students without the inhibition of preconceived notions that underpin offerings from other providers that claim to operate in the

same space. The qualification is routinely utilised to educate personnel from Government agencies and organisations including police, customs and the military, as well as pet dog trainers and others with a dog training interest.

Despite over eight months of education required, including many theoretical and practical examinations delivered and assessed within the national learning framework's strict guidelines, those pet owners that choose to invest in training with nationally recognised, Government accredited individuals fail to enjoy the benefit of a cost reduction in their dog's registration fees.

This becomes even more farcical when one juxtaposes the veracity of this testing protocol against the mere 25 hours of supervised practice, and an internally conducted and assessed written and practical exam for 'organisations approved by the Minister'.

In addition to this the relationship between Dogs Victoria and the State Government means that this organisation does not have to comply with the above mentioned conditions in order for trainers to be considered 'approved by the Minister'.

Any shift towards a model of responsible canine guardianship must address this outdated and unhelpful system.

Animal management reform taskforce

We recommend the establishment of a taskforce of at least five full time equivalent, appropriately qualified, staff funded for a minimum of five years. Advice and other services from subject matter experts to support this group should be commissioned. This group should be tasked with:

- developing policy guidance to support government's direction in an education-first approach targeting voluntary compliance through education, subsidies and incentives
- amending legislation to reflect this policy direction, including repealing breed-based clauses
- reforming animal management services to enable pound prevention, pet retention and redemption outcomes to be achieved
- revising the criteria for approved organisations and qualified trainers
- establishing infrastructure and systems for data collection, monitoring, evaluation and reporting
- developing resources to support owners in being responsible guardians, and local government in on-ground delivery
- facilitation of collaboration and efficiencies between local government.

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