

# **The need for a national policy direction for aggressive dogs**

**Deb Kelly**

## **INTRODUCTION**

The purpose of this paper is not to provide all the answers, it is to raise the questions and canvass possibilities. In undertaking the survey into the legislative provisions dealing with dangerous and problem dogs, attached as an appendix to these proceedings, it was very apparent that every jurisdiction has or intends to have some special controls for dogs which pose a public risk. The directions are broadly consistent but the detail and definition of a dangerous dog varies. There are benefits in having a nationally consistent system with mutual access. But exactly what that system is and what is to be recorded needs to be defined.

## **WHY A NATIONAL DIRECTION**

As summarised by the February meeting of the UAM Advisory Group, there are lots of good reasons to have a national policy direction on this issue.

1. Many dog attacks result in significant media attention and the public reacts to what is reported, not to facts behind the incident. A nationally agreed set of guidelines would provide some objectivity in the assessment of an attack.
2. Nobody really knows the overall facts, statistics or trends for dangerous dog incidents in Australia. If statistics are to be meaningful there must be consistency in the techniques used for recording, analysing and reporting data.
3. Every jurisdiction is seeking a remedy to dangerous dog problems. A national approach can maximise the advantages of having common goals.
4. Progress towards best practice is much slower on a national basis if there is no interstate coordination and cooperation.
5. Dogs and people are basically the same all over the country. Clearly then the solutions are similar if not identical and everyone would benefit by sharing information.
6. People and dogs move around the country. If a dog is dangerous in one jurisdiction, it is unlikely to suddenly change its behaviour simply because it moves to another state. There are obvious advantages in knowing the dog's tendencies before it moves into an area.

The workshop on Friday will seek to find an agreed set of parameters that should be recorded. Today, consider the possibilities.

## **WHAT IS A DANGEROUS DOG?**

If there is to be a national direction, there needs to be an agreement on what constitutes a dangerous dog. A dog that unprovoked savagely attacks a human is clearly dangerous but most attacks are not that simple.

The following are all real incidents, which highlight the difficulty of the grey area.

1. A Bulldog with murderous intent. Unfortunately for him his breathing was so poor that he could only run a few metres and his undershot jaw was so severe that the teeth could not physically meet

to bite. If intent defines a dog as being a threat, this dog was probably the most savage dog I have ever met. But he never hurt anybody.

2. A Pyrenean Mountain Dog that is extremely protective of the wife and kids if the husband is not home. However, if someone calls while the husband is out, the dog is put outside. He eyeballs the visitor through the glass door and growls. Again, he has never hurt anybody but the potential is there if he were not managed appropriately.
3. A Golden Retriever without a nasty bone in its' body. It escaped from the backyard and bounced over to an elderly lady walking down the street. She tripped and fell breaking her hip. She died three months later in the nursing home after her operation. There was no intent but the Retriever indirectly and inadvertently caused the old lady's death.
4. A German Shepherd that rushed, growling at a rubbish collector. The man jumped on the back of the vehicle and slipped. His foot was caught in the compactor and crushed. The dog did not touch him.
5. A Poodle that was teased through the fence every day by kids walking past on their way to school. One day the gate was not latched properly and the dog chased the kids down the road causing one to fall and receive quite a severe gravel rash down one side of her body.
6. An Akita with pups owned by a man living alone. He was rather intoxicated when he went to feed the dog. She bit him once on the arm causing a single puncture. He did nothing to stop the bleeding and after several hours bled to death. The injury was merely several puncture marks.
7. A Cattle Dog that chases kids on bikes and nips at their heels. One boy fell receiving bites to his legs and grazes over his body.
8. A Rottweiler that circled a little girl eating a sandwich in a park. The child panicked, screamed and ran and the dog treated her like prey, severely biting her face.

In most jurisdictions the Rottweiler would be considered dangerous and the Golden Retriever would not. But where is the dividing line?

The dividing line is blurred even more when attacks on other animals are considered. Again, a couple of quick examples:

1. A Manchester Terrier that lives in horse stables and is probably the greatest little ratter on Earth. He hunts and kills any rat that dares to venture onto his patch.
2. A Kelpie that kills possums and lizards on a routine basis, leaving the bodies by the backdoor as a gift to his owners.
3. Two Jack Russels that routinely roam over the Adelaide Hills and chase stock. One day they killed several very valuable goats.
4. A Staffordshire Terrier that chased a cat. The cat raced into the laundry of its home and suddenly found itself cornered. The dog killed it and the owners found their pet mutilated and the laundry walls splattered with blood.

Again, there is a dividing line in here somewhere. Nobody would consider the ratter to be dangerous but many would class the Staffy as aggressive. Yet there is no intrinsic difference in a dog's mind between killing rats, wildlife, stock or someone's pet cat. It almost becomes an issue of what society considers to be an acceptable degree of aggression.

If we are to have a national direction to deal with aggressive dogs, we need to define where that dividing line is and attempt to be consistent in that definition. Data collection is time consuming and therefore expensive. If it is not meaningful it is a waste of time and money to record it.

The degree of reporting also needs to be defined. At the simplest level, it may be simply a description of any dog declared dangerous by the Council and the name and address of the owner. If this meagre amount of information were collected it would be of assistance to other Councils and other jurisdictions. As the amount of detail increases so does the difficulty and cost in collecting that data. At the other end of the scale, it could be determined that a full incident report is required.

## **BREEDS AND ‘CLASSES’ OF DOGS INVOLVED**

Some Councils and jurisdictions have registers of dogs that statistically or by reputation are likely to be dangerous. These may include guard dogs, attack trained dogs or certain breeds. This in itself is sensible but such dogs should not be declared dangerous unless there is some evidence that the particular dog in question is dangerous. We know that ‘P’ plate drivers are more likely to have an accident than other drivers, but not all ‘P’ platers are to be avoided. We know that veterinarians have a higher rate of suicide and accidental death than almost any other profession but that does not mean every veterinarian is suicidal. Similarly an attack-trained dog may be aggressive or it may be so well trained that it would only attack on command.

Some breeds are over represented in aggressive dog incidents, namely the German Shepherd, Rottweiler, Cattle Dog, Doberman and Bull Terrier. This may be due to breeding, training, experience, or most likely, a combination of all these factors. They also have the physical conformation to be capable of inflicting damage, unlike the murderous Bulldog described earlier. However, not every Rottweiler is aggressive and they should not all be considered dangerous.

There are four breeds of dog, which are bred exclusively for fighting. These are prohibited imports and are potentially dangerous. Again, some jurisdictions have special provisions governing the management of these dogs, generally referred to as ‘prescribed’ breeds. However, they should not be classed as dangerous unless the individual has done something to demonstrate that such a classification is appropriate.

## **WHO RECORDS THE INCIDENT?**

Basically, there are two possible recording systems. The first is Council based, the other requires the cooperation of the medical profession. The Council probably does not know of all attacks within its’ area. However, a doctor or hospital will see any significant injury. The difference in the two systems is one of emphasis. If a Council based recording system is used it is likely to have a public safety focus — which dog caused the injury and how can it be prevented from doing it again? It will also tend to concentrate on public land not private. Many people who are bitten by their own dog or while visiting friends do not report the attack and Council never gets involved. If doctors were required to report attacks the emphasis is on the victim and what happened to that person.

## **REPORTING BY THE MEDICAL PROFESSION**

There are many conditions that doctors report either on a voluntary or mandatory basis. Mandatory reporting means that the doctor has a legal obligation to report or face significant penalties. The penalty can be tens of thousands of dollars or a prison term and the requirement is established under numerous Acts of Parliament. These include:

- gunshots under the criminal law legislation;
- motor vehicle accident victims;
- persons who should not drive a motor vehicle, eg epileptics, diabetics and persons who are mentally disturbed;
- childbirth, deaths and abortions;
- communicable diseases;
- child abuse or suspected child abuse.

Not all their reporting is mandatory. The Australian Injuries Surveillance Unit, based at Flinders University in South Australia asks the medical profession to report on various incidents on a regular or irregular basis. Sometimes this is used to provide a snapshot of a particular threat at a particular time or can be a longitudinal long-term study.

If we sought mandatory reporting of dog attacks, that requirement would have to be included in legislation so the animal management Act of each jurisdiction would have to be amended. Voluntary reporting is not as rigorous but it is much simpler. There may be down side to mandatory reporting. If a person knew that the doctor had to report a dog attack to Council or some other authority, they may not seek medical help if they do not want the dog involved to be declared dangerous. For example a child is eating a sausage in bread at a family get-together and barbecue. The dog tries to take the sausage and bites the child's hand. The parents may not want the incident reported because it's a relative's dog and it was just an accident. Consequently the child may not receive a tetanus shot, antibiotics or stitches.

Councils can report on dog attacks but they may not know the outcome or severity of the injuries sustained.

An animal management officer cannot be expected to know if a bitten hand contains a fractured bone or if a head injury is trivial or life threatening. However, the officer could report on the circumstances and location of an attack.

Many hospital records provide an indication of the severity of an injury using a standard set of outcome based criteria. The casualty departments record one of the following for patients who are seen.

01	no treatment
02	treated, no referral
10	treated, A & E review
03	treated referred to outpatients
04	treated, referred to family doctor
05	treated, other referral
06	short stay observation in Emergency
07	Admitted to hospital
08	Transferred to other hospital
09	DOA or died in Emergency

Each injury is assessed in the same manner. Being outcome based this system is objective and gives an indication of severity. This is only part of the reporting form. Information provided also includes whether the injury was accidental, self-inflicted or an assault, the severity of the injury and the body part affected. This, with the accompanying Patient's Form provides a fairly simple reporting system.

## **REPORTING BY COUNCIL**

If Council officers were to report dog attacks, the type of information received would be different. It would refer to incidents that occur predominantly on public land rather than private property and it would not be as comprehensive as it would if the medical profession collected the data. This has strengths and weaknesses. The underlying question is where does a Council's responsibility start and end? If dog attacks are considered to be public health issue, ignoring the 50% that occur on private land is clearly unacceptable. However, if the issue is meeting the legislative responsibilities of Council, then incidents on private property are not nearly important as those on public lands.

If Council officers are expected to assess the extent of injury they cannot be expected to provide a diagnosis. The reporting requirement would need to be simple and objective. One possibility may be something like this:

Grade 1	No injury	Aggressive dog
Grade 2	Minor wound	Dangerous dog (a)
Grade 3	Serious wound	Dangerous dog (b)
Grade 4	Multiple wounds	Dangerous dog (c)

If the intention is to gather data about the attack and not simply a list of dangerous dogs and their owners, certain information needs to be obtained. This includes:

- what happened eg. child riding bike down a road;
- date;
- the circumstances prior to the attack eg where it was, why did the dog attack;
- details of the victim, age, sex;
- details of the dog, eg. breed, age, sex;
- nature of the injury eg. laceration, fracture, puncture;
- measures taken after the attack eg. orders, insurance, expiations, court proceedings, destruction;
- prior history, eg. has the dog attacked before or has the person been attacked before; and
- any other information, eg. the dog was injured and the victim tried to help it.

Clearly if attacks on animals are included, the type of information collected would have to be modified to reflect this.

The next issue is how to collate the information and who is the custodian? Most Councils have a list of dangerous dogs within their municipality. However, this information is difficult to access, particularly outside working hours and rarely shared. The logical person to hold the information would be the registrar of dogs in each Council. Every state and territory has a Local Government Association, which could hold a central register. Two conflicting problems arise. The first is privacy and the other is public access. If a person has a dog, which was involved in an incident at some time in its' life, it would be rather draconian for that person's name and address and the details of the event to be available to anyone who wanted to know — eg. through a website. Conversely, the people who need to know, such as animal management officers should have access to the information at any time.

Given that we all agree there should be a national register, the questions for the workshop are:

- What is a dangerous dog?
- Should there be different categories of dangerous dogs depending on severity?
- What information should be collected?
- Who should collect it?
- Who should collate it? and
- How should it be accessed?

This promises to be a challenging and useful session.

## [Appendix A](#) - Collated results of survey into Dangerous Dog provisions

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Deb Kelly is an Executive Officer within the South Australian Department of Environment, Heritage and Aboriginal Affairs. She is a veterinarian and has been actively involved in pounds, shelters and wildlife since childhood. Deb was instrumental in the development of the Dog and Cat Management Act 1995 and is still responsible for the legislative aspects of the Act on behalf of State Government. To fulfil this responsibility she works closely with the Dog and Cat Management Board, the RSPCA, Animal Welfare League and community groups.

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