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## Twenty years of steady progress – but one bite will change your world!

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This presentation will review the twenty years of steady progress, in relation to dog bite prevention and dog control that has occurred within the Bureau of Animal Welfare (Victoria) in the areas of legislation, research and education. Additionally, this presentation describes how the journey has been punctuated, and in some cases redirected, by events that have achieved mass media attention.

In the world of animal control and regulation, specifically dog bite prevention, the reality remains that one significant event can overtake, override, or overrule what ever plans and actions were in place. This review considers that one event can have a dramatic effect but, as the event settles, it is often noted that the line of continuous development is still on track; in fact, generally the post-event reflection highlights that the event acted to speed up the cycle that was already on course. The unplanned event causes a sudden stop, immediate review and evaluation, and then a realignment of a strategic plan in a way that could never truly of been prepared for; effectively highlighting the value of steady progress, continual review and analysis as a way of minimizing or stabilizing the effect of that horrendous event.

Nothing can compare with the grief that a family faces when their child is killed. At the same time, nothing will prepare a worker, a workplace, a government or a community for the effects of that death on policy, legislation and community opinion about dogs.

Since the development of the Victorian *Domestic Animals Act 1994* (the Act), from both an educational and legislative perspective, there has been significant progress made in the field of dog bite prevention. An overview of the development of these programs shows slow and steady, but significant progress in animal control and regulation. However, the public are quick to acknowledge the monumental changes in government policy, legislation and education programs that occur following a very tragic event.

Since the commencement of the Act in 1996 there have been 26 legislative amendments and three amendments of the supporting *Domestic Animals Regulations 2005*. Twelve amendments to the Act

have been simple omnibus changes (a reference to another act). However, thirteen of the changes have been specifically to amend the Act and, of those, there have been three changes, occurring between 2010 and 2011, specifically in response to dog attacks.

In this presentation the presenters will set up a time line of dog control legislation and education by the Victorian Government.

In 1992 when AIAM first started Victoria was still operating under the *Dog Act 1970* – clearly cats were not in existence at that time! Despite this, even in 1970 under the *Dog Act 1970*, there was already an emphasis in the legislation for the registration and containment of dogs. There were also limitations and controls on greyhounds and German Shepherds. The *Dog Act* was repealed and replaced with a 'new' act, the *Domestic (Feral and Nuisance) Animals Act 1994*, that had a delayed commencement and came into effect on 9 April 1996.

The Act had a new purpose 'to promote animal welfare, responsible ownership of dogs and cats and the protection of the environment by providing for... registration and identification of dogs (and cats), identification and control of dangerous dogs, registration of domestic animal businesses and other matters. It created a new benchmark in animal control and management of both dogs and cats.

Since the commencement of the *Domestic (Feral and Nuisance) Animals Act 1994*, (now known as the *Domestic Animals Act 1994 - DAA*) there has been a continuous cycle of research, legislative development, and the development of tools and resources for education programs. This 20 year development has been occasionally punctuated by a single event, but each time the cycle always begins again. Outlined below are highlights of the cycle so far, specifically in relation to dog control:

- 1996 **(legislation)** inclusion of declaration tools to declare dogs dangerous including the introduction of the requirement for dangerous dogs to be microchipped
- 1997 **(research)** consultant report on responsible pet ownership education in Victoria

- 1998 **(education)** community education campaign – mass media including dog safety and registration
- 1998 **(tools)** launch of website and brochures for Councils and Council communication resource kit developed
- 2000 **(event)** dog attack (Premier Bracks conducted a door stop interview following an attack by a 'pit bull' and when asked what was the Government doing – Bracks said " [his Government] will introduce restricted breed dog legislation to protect the community)
- 2000 **(legislation)** introduce menacing dog declarations and power to obtain warrants
- 2000 **(education)** Responsible Pet Ownership (RPO) program contracted to Victorian Government through 'Dogs Vic' and did first 500 school visits to primary school children
- 2000 **(research)** BAW pilot study with 10 councils – "Dog attack prevention in public places"
- 2001 **(legislation)** introduce Restricted Breed Dog (RBD) Legislation
- 2003 **(education)** start of annual Animal Management Officer (AMO) seminar series and AMO website
- 2003 **(legislation)** regulate microchips and greater powers to seize dogs
- 2004 **(research)** Victorian Injury Surveillance Unit (VISU) report on dog bite injury 1998 - 2004
- 2004 **(education)** RPO consultants introduced kinder program
- 2004 **(legislation)** establish the Victorian Declared Dog Register
- 2005 **(education)** RPO consultants becomes in-house Government program
- 2005 **(legislation)** Require menacing dogs to be microchipped and power to destroy unidentified dogs that have attacked
- 2005 **(legislation)** Prohibit the acquisition of RBD's, power for councils to make desexing and microchip orders
- 2006 **(education)** Local Government Professionals (LgPro) Manual produced as a tool for officers in DAA enforcement
- 2006 **(event)** DEATH of Kara Compton (18 month old by family dingo cross)
- 2007 **(legislation)** provided further enforcement powers particularly in relation to restricted breed dogs and created definitions for *serious injury* and *laceration* (and removed (Feral and Nuisance) from the title of the Act
- 2007 **(event)** DEATH of Alysha Parrant (9 weeks old by family Rottweiler)
- 2008 **(education)** RPO introduced "We are Family" (WRF) to maternity hospitals
- 2009 **(research)** VISU report on hospital treated bite injury 2004-2007
- 2009 **(education)** introduced WRF to maternal child health centres
- 2009 **(event)** Coroner released report on Alysha Parrant recommending increase exposure of "We are Family"
- 2010 **(event)** Coroner released report on Kara Compton recommending increase exposure of "We are Family"
- 2010 **(event)** a series of attacks (women lost arm, dog locked on to mans arm, young girl attacked by family dog, man attacked by neighbours dog – all reported as pit bull terriers)
- 2010 **(legislation)** ability to have dogs destroyed under certain circumstance of attack and amnesty on RBD registration and keeping. Move from Ministers review panel to the Victorian Civil and Administrative Tribunal (VCAT) for appeals against RBD declaration and introduce ability to for a Magistrate to make an owner attend a Responsible Dog Ownership course
- 2010 **(event)** -December, Change of Government
- And then – one very tragic day in August 2011 it seemed as if the whole world had stopped and the direction changed. A series of events culminated from what appeared to be 'the perfect storm', the first fatality in Victoria resulting from a dog at large (not known to the family), **AND** (allegedly) a pit bull terrier, **AND** an unregistered dog, **AND** a child attacked and killed **AND** from an invasion into her own home. The event killed four-year old Ayen Chol and injured her mother, cousin and aunt.
- The event affected **EVERYONE** and consumed everything we did. In a review article in The Age 'Good Weekend' magazine Dr Michael Linke from the RSPCA in Canberra summed it up perfectly...
- "It is not the first time a pit bull's attacked somebody and it's not the first fatality, but it was like the stock market. You could map that event on a timeline as the one that shifted the whole psyche of people around pit bull terriers."*
- Dr Michael Linke, RSPCA Canberra  
(25 February 2012) Good Weekend.
- It can not be over emphasised the effect of this event on people.

The Council officers...

***"This community has lost a little girl and a family has lost a little girl in circumstances that can only be described as tragic and it's a parents' worst nightmare"***

Nick Fao CEO Brimbank City Council (18 August 2011) *the Age*

The Preschool that Ayen attended...

***"It had been a hard week for both staff and the children. The children have been speaking about the incident, we've all been a bit down," Ms Joao centre's assistant manager said. "Last week, her parents, classmates and teachers released pink balloons in her memory"***

St Albans Main Road East Early Learning Centre (26 August 2011) Brimbank Leader

The family's legal team...

***"This is the most horrific case I've dealt with in 17 years at the firm"***

Mr Ike Nwokolo, Lawyer Slater & Gordon (25 February 2012) *Good Weekend*

The Public...

***"Public sympathy for the disappearing dog [pit bulls] was never been easy to find, and the death of Ayen Chol made it near impossible"***

Joel Meares, "Wagging the Dog" (25 February 2012) *Good Weekend*

For the Government it created a chain of legislative changes, review and development of education resources...

Aug 2011 introduction of "Dangerous Dogs" hot line

Aug 2011 **(legislation)** remove amnesty that was in existence since 2010 (18 days for legislative change!)

Sept 2011 **(legislation)** introduction of RBD Standard

Oct 2011 **(education)** change to RPO program required to educate parents on the difference between dangerous and restricted breed dogs

Oct 2011 **(education)** targeted calls from kinders that request the program if a child has been involved in a dog attack

Oct 2011 **(education)** every school/kinder within region that requested was provided the program – with emphasis on parent programs

Oct 2011 **(legislation)** Changes to *Crimes Act 1958* introduce jail terms for death or endangerment of life

Oct 2011 **(education)** complete review / update of all communications

Nov 2011 **(education)** AMO seminar series, Breed Identification Training Day

Jan 2012 **(education)** review of RPO program promotion (Social Scripts, stronger message on need – NO change in message)

Jan 2012 **(research)** review of the RDO program upgrade implementation plan

April 2012 Additional Officer employed by the Department specifically as Council liaison

May 2012 **(education)** new messages created for urban Indigenous communities on dog bite prevention

May 2012 **(legislation)** increase age permitted to have access or be in control of a dangerous dog/RBD from 17 years to 18 years. Change the age for responsible for any charges under the DAA

Unfortunately there is more still to come:

***Ms Parkinson (state coroner) said she would also investigate the policies of Brimbank Council in identifying and controlling restricted breeds.***

22 March 2012 Brimbank Leader

The dog owner faced the Magistrate on 30 July 2012. The owner pleaded guilty and received a total of \$11,000 in fines, \$4,000 for a dog causing death, \$6,000 for the other attacks and \$1,000 for being unregistered. The recent court appearance and judgement has, not surprisingly, raised the profile of the case once more. It also serves as a sobering reminder that whilst some of us can move on many cannot...

***"Witnessing my daughter being killed by this dog is the worst thing that has ever happened to me. It was terrifying and I see images in my head all the time. I was holding her trying to keep her alive" "There are no words that can describe what it is like to bury your beautiful daughter;"***

Ms Ancaito (Ayen's mother) (31 July 2012) *Herald Sun*

The media have remained relentless

***"The Government needs to jerk their leash. Tighten the law and get rid of dogs that in rare cases kill, but often maim. There is no moral argument for keeping them."***

Editorial (21 July, 2012) *Herald Sun*

The case will be heard by the Victorian State Coroner in the last week of August 2012, and so no more can be said on the future at this stage, and so for now we can only assess and review...

**We [BAW] are proud of our progress but under no illusion that one event changed things very rapidly. Upon reflection however, we can now see that this event essentially resulted in a rapid acceleration of the path we were already on.**

**Our advice to all governments, local, state and federal, is to plan as much as you can, review as much as you can, implement improvements as much and as often as you can – because some things you cannot prepare for.**



### **About the author**

Tracy is the Manager of Policy and Education at the Bureau of Animal Welfare. Along with the team of Authors for this paper Tracy oversees the Domestic Animals Legislation in Victoria. Tracy has worked at the Bureau for nearly five years with a dynamic, passionate and very dedicated hard working team.

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