

Background on Other Dog Control Regimes

United Kingdom

The Dangerous Dog Act 1991 classifies and bans the Pit Bull terrier, Japanese Tosa, Dogo Argentina and Brazilian Fila types of dogs as dangerous dogs. They are targeted as “*dogs belonging to types bred for fighting*” and other dogs that “*present a serious danger to the public*”. The Act prohibits breeding, selling, advertising for sale, transferring or gifting these breeds of dogs and imposes controls, including neutering and registration. Dogs in existence on the introduction of the ban could be kept subject to restrictions and the onus was on the dog owner to prove that the dog was not one of the specified breeds. The Act made provision for the compensation of dog owners, subject to regulation. Initially, it was mandatory for dogs found to be in breach of the conditions to be destroyed, though this was amended in 1997 making destruction optional.

The general regime for dog control is set out in the Clean Neighbourhoods and Environments Act 2005, which provides for the making of ‘Dog Control Orders’. Dog registration is not universally required.

Canada

Legislation in Canada is made at the level of the Province, and municipalities may make bylaws or ordinances. All municipalities take a behaviour-based approach although some also include breed specific provisions. The municipalities that have breed specific regimes have targeted a range of dogs, although the pit bull type predominates.

Ontario is the only province to have enacted legislation that applies across the whole province. Ontario takes both a behaviour and breed specific approach focussed on Pit Bull type dogs. These are defined as including Pit Bull Terrier, American Pit Bull Terrier, the Staffordshire Bull Terrier and American Staffordshire Terrier. Under this legislation, Pit Bull dogs are banned:

- All existing pit bull dogs were classified as restricted Pit Bulls and must be sterilised and muzzled and leashed unless within the owners enclosed property in accordance with regulations.
- No person can own a Pit Bull dog unless the dog was part of existing population when the ban was introduced in 2005.
- No person can import, own, breed, transfer, gift, sell, abandon, allow to stray or train to fight a Pit Bull dog (with minor exemptions).
- The onus is on the owner to prove that a dog is not a Pit Bull.

California

The Californian Health and Safety Code explicitly rejects taking a breed specific approach, instead establishing a regime to control the dog population, based on mandatory neutering (with some exceptions). Counties and cities are able to make regulations under this framework, though it would seem that there is no requirement for consistency. The Health and Safety Code applies in unincorporated areas (where there are no council organisations).

Australia

Similar to Canada, dog control legislation is made at the State level. Local authorities are responsible for implementation and enact by-laws or local laws. It appears that all States make provision for dogs to be declared dangerous on the basis of behaviour.

Tasmanian legislation does not take a breed specific approach. A discussion document on the current review of the Dog Control Act 2000 recommends against doing so.²¹ Half the submissions received on this topic were in favour of it, however, and Tasmania is considering the issue further.

South Australia, New South Wales, Queensland and Victoria have made provision for specific breeds as either 'restricted' or 'prescribed breeds', to which an array of special conditions may apply, including neutering. The breeds subject to these provisions are the Pit Bull Terrier, Japanese Tosa, Dogo Argentino and Brazilian Fila. The Presa Canario breed has been added by Customs regulations banning their import.

The legislation of South Australia, New South Wales, Queensland and Victoria is the most analogous to the Dog Control Act 1996 in New Zealand. It is noted, however, that local councils in Queensland are specifically authorised to enact local laws prohibiting anyone from possessing a restricted breed, other than an exempted person. Enforcement of such local laws has resulted in litigation highlighting the problem of breed identification (for example, *Dino Da Fre v Logan City Council*, Magistrates Court of Queensland, No. 005440/05).

Singapore

The Minister of National Development has recently introduced the Dog Licensing and Control Rules 2007 under the Animal and Birds Act that will come into force on 1 September 2007. The rules require the licensing of dogs, sets licensing fees, requires 'specified dogs' to be microchipped and neutered and owners of specified dogs to have an insurance policy to cover 'any injury to persons or animals or damage to property caused by the dog' and to provide a bankers draft as security which shall be forfeit in the case of a breach or the reported loss of the dog.

Specified dogs are those identified in Part I, Second Schedule of the Rules as American Pit Bull Terrier, Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Terrier, American Bulldog, Akita, Neapolitan Mastiff, Japanese Tosa, Dogo Argentino, Fila Brasileiro and the Boerboel breeds of dog, and crosses between them.

The Rules also require that these dogs and those identified in Part II of the Second Schedule, the Bull Terrier, Doberman Pinscher, Rottweiler, German Shepherd (including Belgian Shepherd and East European Shepherd), Mastiffs (including Bull Mastiff, Perro de Presa Canario, Cane Corsa and Dogue De Bordeaux) are required to be on a leash and muzzled when in public.

The Rules are administered by the Director-General of the Agri-Food and Veterinary Authority of Singapore (AVA) who is appointed by the Minister of National Development. The Director-General has significant discretion. For example, a dog may be "seized, impounded, destroyed or dealt with in any such manner as the Director-General thinks fit" if it is found at large, or is required to be leashed or muzzled in public and is not.

²¹ 'Dog Control Issues Paper', Local Government Office, Community Development Division, Department of Premier & Cabinet, April 2007, p. 7.

Dogs classified as dangerous or menacing

Councils must classify an individual dog as dangerous where either: (s31(1)(a)) an incident of a dog "rushing" leads to the owner's conviction; or (s31(1)(b)) the council has, on the basis of sworn evidence attesting to aggressive behaviour, reasonable grounds to believe the dog constitutes a threat to the safety of any person or animal; or (s31(1)(c)) the owner admits in writing that the dog constitutes a threat to the safety of any person or animal.²² Of the 481 dogs the NDD currently records as dangerous, 13% were classified under (a), 67% under (b), and 20% under (c).²³

Dangerous dogs must be kept in a securely fenced portion of the owner's property, neutered, and muzzled and leashed in public (unless in a vehicle or caged). The dog registration fee is 150% of that payable for an unclassified dog. The dog cannot be disposed of without written council consent.

Councils must classify a dog as menacing (if not already classified as dangerous) where the dog poses a threat to the safety of people or animals, either on the basis of observed behaviour (s33A(1)(b)(i)) or on the basis of characteristics associated with the dog's breed or type (s33A(1)(b)(ii)). A dog must also be classified as menacing where the council has reasonable grounds to believe that the dog is wholly or predominantly of one or more of the breeds or types listed in Schedule 4 (s33C). The NDD records currently 4,966 dogs classified as menacing.²⁴ Of these, 21% are classified as menacing on the basis of observed behaviour, 22.5% on the basis of characteristics associated with the breed or type, and 56.5% because of listing on Schedule 4.²⁵

Menacing dogs must be muzzled in public (unless in a vehicle or caged) and may be required to be neutered by the local council. Otherwise the requirements of the Act in terms of leashing and containment are the same as for other dogs generally.

In examining the case for adding more breeds or types to Schedule 4 (see option 7 below), the DIA has used the dangerous and menacing classifications recorded on the NDD.²⁶ These have been used as an indicator of breeds of potential concern.

Table 4 below lists the five breeds (either pure or cross) with the highest proportions of menacing or dangerous classifications, excluding those breeds already listed on Schedule 4. Table 5 below repeats this data for combined pure and cross figures.²⁷

²² A rushing offence under section 57A is where a dog "rushes at, or startles" a person or animal in a public place in a way that causes death, injury, endangerment, property damage or an accident.

²³ NDD snapshot report, 7 August 2007.

²⁴ NDD snapshot report, 7 August 2007.

²⁵ Schedule 4 lists: Brazilian Fila, Dogo Argentino, Japanese Tosa breeds and American Pit Bull Terrier.

²⁶ The NDD currently holds a dog's registration details (breed, age, microchip number), whether it is classified (as menacing or dangerous), and whether an owner has been issued with an infringement.

²⁷ NDD snapshot report dated 7 August 2007.

Table 4: Breeds (either pure or cross) with highest proportions of menacing and dangerous classifications

Ranking	Proportion menacing classifications	Proportion dangerous classifications
1	Terrier, Boston Cross (1 classified out of 7) 14.3%	Mastiff, Tibetan Pure (1 classified out of 5) 20%
2	Deerhound Cross (1 classified out of 10) 10%	Wolfhound, Irish Cross (2 classified out of 56) 3.6%
3	Briard Cross (1 classified out of 11) 9.1%	Mastiff, Neapolitan Cross (2 classified out of 107) 1.9%
4	Dogue de Bordeaux Cross (2 classified out of 23) 8.7%	Akita Pure (4 classified out of 278) 1.4%
5	Mastiff, Neapolitan Cross (9 classified out of 107) 8.4%	Dogue de Bordeaux Pure (5 classified out of 390) 1.3%

Table 5: Aggregated breeds (pure and cross combined) with highest proportions of menacing and dangerous classifications

Ranking	Proportion menacing classifications	Proportion dangerous classifications
1	Norfolk Terrier (1 classified out of 25) 4%	Mastiff Tibetan (1 classified out of 5) 20%
2	Bulldog, American (18 classified out of 457) 3.94%	Akita (4 classified out of 320) 1.25%
3	Deerhound (1 classified out of 36) 2.78%	Dogue de Bordeaux (5 classified out of 413) 1.21%
4	Terrier, American Staffordshire (46 classified out of 1764) 2.61%	Wolfhound, Irish (2 classified out of 231) 0.87%
5	Mastiff, Neapolitan (15 classified out of 676) 2.22%	Leonberger (1 classified out of 164) 0.61%

The small size of these breed populations could be seen as qualifying this data. Conversely it could be argued that a high rate of classification arising from such small numbers is a strong indicator of risk should the breed become more widely established. This data alone therefore offers no clear indication of breeds to add to Schedule 4.