

6 November 2020

To the Hon Matthew Swinbourn MLC Chairman

Thank you for taking the time to consider Petition # 180 relating to recommended changes to the Dog Act of 1976.

By way of introduction, the petition was started by a feeling from the community that the current Dog Act of 1976 was outdated and not in line with how Dogs fit into societal norms. Many consider their pets as "children" as a result of biological or conscious decisions. Organisations are introducing Pet Leave into their work place (Verso Learning, Melbourne), Dogs are now widely accepted in schools to provide support to students with emotional and mental health support and Doggy Day Care facilities are commonplace now demonstrating the value society is now placing on Dogs. Dogs are very much considered a member of the Family.

There is a strong sentiment in the community the current Dog Act WA (1976) is no longer in step with the value that the community places on their pets. The current fines outlined in Section 33D and consequence for owners of attacking Dogs is not suffice nor is the process an efficient one to ensure Community safety following the loss or serious injury to a "furbaby".

There have been a number of significant dog attacks that have attracted media attention in WA during 2020 which has heightened the community's awareness of the issue. During these news stories (Channel 7, 9 & 10; 6PR) the victims expressed their struggle with the grief, psychological trauma and the injustice following the loss of their precious family member as a result of an attack. In addition, the mental health impact of those witnessing such an attack can be prolonged and severe, sometimes resulting in post-traumatic stress and anxiety disorders. Indeed, renowned psychologist Stephanie A Sarkis notes "Losing your pet can cause you more intense grief than losing a family member or friend" (*Psychology Today, May 12, 2019*).

In cases where dog attacks have been severe, the owners of the attacking dogs have failed to take accountability of the situation knowing that there were no severe consequences to them. As an example, in the case of Fonzie's attack (August 2020; City of Joondalup) – her "pawrent" Sarah Burbridge witnessed her Cavoodle being mauled and attacked before her eyes - causing deep Psychological Trauma for her and her 7 year old boy. The Owner of the attacking Dog was fined only approximately \$400- this was after the dog Owner had to be found. \$400 for the loss of a family member cannot be justified.

Currently the Dog Act states that following a severe attack, it is ultimately up to a Magistrates Court to ascertain the outcome of the Dog. i.e. whether or not the Dog is to be euthanised. In some instances, this process can take 12 months or more, during which time, the "offending" dogs could be returned back into the community. At this point, it is up to the household from where the dogs came from to ensure that this does not happen again. There is minimal penalty, very few checks and limited authority that the local government has to ensure the safety of the community during this period. It creates, potentially, a "ticking time bomb" especially if protection to the community is only based on physical controls i.e. the requirements set by the Dangerous Dog Act (Fences etc) and there is no behavioural modification/ rehabilitation requirements for both the Dog and Owner. The sentiment in the community is very much of fear.

The intention of changing the Dog Act with more severe penalties is to reduce the time taken to determine this outcome, initiate a compulsory educational program for owners to effect changes in the dogs' environment or the immediate destruction of dogs who have caused a fatality. This would bring the Dog Act more into line with the consequences outlined in the Dog Act 1976 (division 2 - Dangerous Dogs) to understand that even breeds not listed in this Act have the potential to cause fear, harm, severe injury and death.

Community Sentiment:

During the petition process it was very evident that there was significant support for change. There were a number of volunteers who very quickly supported the process of obtaining signatures and were very keen to

affect change. Within only a period of 10 days 638 signatures were obtained. It was evident that every responsible dog owner wanted to encourage responsible dog ownership. Every Dog owner feared the uncontrolled Dog. And for that matter, even community members that we spoke to who weren't dog owners feared for their own and child's safety should there be an uncontrolled dog nearby. They were all acutely aware of the damage Psychologically, Physically and Emotionally that uncontrolled dogs could do. There was genuine surprise from everyone we spoke to on the lack of proactive protection and consequence and accountability that the current Act provides. Their enthusiasm echoed the sentiment for encouraging community safety. The community definitely saw Dogs as a member of the family and not property.

The impact of Legislation Change proposed:

By Criminalising the legislation, the intention is that there would be a greater appreciation of the suffering caused by a severe Dog attack. By heightening the consequence and penalties, Dog Owners would become more accountable for training and effectively managing and controlling their dogs. At present the Dog Act is retrospective i.e. following a Dog Attack the consequence is outlined. The consequence is not great enough to act as a motivator to ensure all Dog Owners (regardless of Dog Breed) are responsible Dog owners.

The requirement for a compulsory education program will initiate a proactive approach to community safety whilst allowing dog owners the opportunity to further their knowledge on dog behavior, training methods and appropriate restraint, both at their residence and while exercising their dogs, to eliminate the chance of dogs escaping and inciting fear.

Dogs by nature have an intrinsic drive to hunt and there is no guarantee that this trait can be overridden by training. It is important to understand the behavioural and physiological changes that occur in Dogs that have attacked with severe or fatal consequences. In my discussions with Dog Behavioural Experts and Psychologists, I have learned through my conversations with Animal Behaviouralists that it is unlikely for such dogs to be rehabilitated to a level that would be considered safe for the community once a Dog has attacked and "Tasted Blood". Unfortunately, this means that often the safest option for the dogs and the community is euthanasia. One cannot guarantee the environment in which a Dog is raised and there is no guarantee that an attacking Dog won't attack again-putting community safety at risk. Furthermore, the consequence for the attacking Dog and it's owner are currently ascertained by a Magistrates Court. This is not an efficient process with Court dates often scheduled many months after the initial attack. Placing the Community at Risk and during this time the victim is often dealing with Trauma, Fear and Severe emotional distress. This is not acceptable nor is it efficient.

Owning a Dog is a responsibility and not a right. There was significant support from the community that there needs to be significant consequence and immediate accountability for Attacking Dog Owners. Spend time at your local park on any given afternoon speaking with Dog Owners and you will certainly hear the passion in their voices. On behalf of our Fur Family Members who are unable to speak and for those who live with the effects of PTSD and Grief following a Dog Attack, we ask for your serious consideration to the requested amendments. My hope is that we can enhance Community Safety and bring back the joy of walking a Dog rather than it being something that is done with Fear.

On behalf of the Community Members who signed the petition,

Kind Regards

Cindy Burt