

WA Rangers Association Conference 2015

Notes from the Dog Panel

Greyhounds – Dog Act - Section 33 – Special provision for greyhounds

Q – Do they still need to be muzzled?

- Yes, unless they are certified as retrained by Greyhounds WA and they pass the course to wear the specified green collar.
- Currently Greyhounds WA (not-for-profit organisation) are the only Authorised organisation that can certify/issue the prescribed green collar.
- Success rates and additional authorised bodies can be investigated at the review of the legislation.

Rural areas – indigenous dog populations

Q - Is there a better way to deal with the issue of gaining Dog Act compliance in remote communities?

- Currently infringements are issued but they do not get paid and it is very hard to enforce and reclaim costs/payment.
- If the issue is no-one can/will pay the infringements possibly try alternative enforcement actions such as seize when the dogs are wandering as opposed to fines.
- Try education programs, control programs etc.

Dog Attacks – Foster dogs

Q - Who is liable for incident? As there is an owner and a person responsible for the dog at the time, who gets prosecuted?

- Both could be prosecuted but it does depend on the circumstances at the time and possible defences i.e. "owner" of the dog was not present at the time of the offence.
- Investigate as best you can and get the most information available and determine best course of action from that information.
- Owner could be determined as the 'person who ordinarily keeps the dog' i.e. the carer.
- Foster organisations are transferring responsibility to the carers and not taking responsibility for their animals in foster.
- Register the dog to the Foster organisation and it is their responsibility.
- Work with the Foster organisations to ensure they foster their dogs to responsible people who will do the right thing by the dog and the Law.

Dangerous Dog Enclosures

Q - Is a backyard acceptable if it is escape proof?

- As long as the yard meets the requirements, it could be considered acceptable as the enclosure i.e. it is escape proof, a child of less than 7 yrs can not gain access etc
- A Local Government can require a facility to be built but it does need to be as per the processes, policies, procedures and resources of the Local Government.

Q - What if a child of less than 7 yrs lives at the premises?

- That is untested at this time, so there is not definitive answer at this point.

Microchipping

Q - What are the legal repercussions of a Foster Organisation restricting the ownership/contact details on the microchip database for rehomed dogs?

Some Foster organisations will not transfer microchip details, they will only let the new owner be a secondary contact.

- It is more important to determine responsibility for the dog at the time of the alleged offence.
- Under section 26C there is an offence for failure to notify the database company within 7 days of the details relating transfer of ownership.
- In the Eastern States if the new owner details are not on the microchip database record the Shire can change the details. The previous owner is provided 7 days to appeal and of no appeal is lodged, the updated information is kept as the record of ownership.

Dangerous Dogs - puppies

Q - If a Dangerous Dog is in the pound and it gives birth to puppies, what happens about the puppies?

- Restricted Breed – the Local Government would deliver a Seizure Notice to the owner for the Mother and pups and would proceed under the appropriate regulations for Restricted Breed pups.
- This would not apply to a Declared Dangerous dog, as only the mother would be classified as Dangerous.

Restricted Breeds – Pit Bulls

Q - There is no DNA test to confirm 'Pit Bull' so what can be done about identification?

- Case Study example - DNA test Results come up as UNKNOWN, because of this the seized dog had to be returned as the breed could not be confirmed.
- Pit bull results usually come back as UNKNOWN.

- This is difficult to prosecute as an expert would have to attend court and testify in person as a written report would not be sufficient for the Magistrate. This means it is very expensive and can be cost prohibitive. To prosecute it is best to get admittance from the owner of the breed, without this admittance prosecuting them would be too difficult.
- The test is sent to Sydney and then to the U.S and the Pit Bull is considered a blend of breeds rather than a specific individual breed. They don't specifically test for our restricted breeds because of this.
- It used to be up to the Minister for Agriculture Vet and they would not confirm or deny identification for Pit Bulls. They are considered a "type" of dog and not a "breed".

Dog Act Section 10AB – Register of, and review of, delegations

- Q - Do Rangers have to get re-authorized every twelve months?
- Not really, the Local Council can delegate to the CEO and he can then on-delegate to officers. The CEO gets re-delegated annually.
 - This is usually done administratively on Rangers behalf.

Dangerous Dog – moving locations

- Q - Do you require a new warrant to inspect the new property?
- Under section 12A if you reasonably suspect a dangerous dog lives there you can enter without a warrant to ascertain whether an offence is being committed.

Dog moving Shires – transfer of registration

- Q - There is a gap in the Act as it only says the owner needs to notify the old Council they have moved but is not required to notify the new Council they have entered. Is there a resolution for this?
- People are not required to tell the new shire by law that they have entered the district as long as they tell the shire they have moved from of their new details.
 - There is no central database so there is no ability to 'share' the information.
 - Case study example – person was prosecuted for not registering their dog and at the hearing they advised the dog was currently registered in another district.
 - The Act requires registration with a Local Government but not necessarily the Local Government the dog currently resides in.
 - The review of the Dog Act is not slated until January 2019.
 - Also, the transfer of registrations does not transfer the history of the dog to the new locality.
 - It is time to have a central registration database.

Dangerous Dogs – Lifetime registration issues

- Q - What is supposed to happen when a dog with a lifetime registration is declared dangerous, as the Act stipulates they can only be registered annually?
- Suggest withdraw the lifetime registration and enforce the annual registration requirement.
 - Possibly provide a pro-rata refund on the lifetime registration fee.

Foster Carers – operational requirements/regulations

- Q - Currently there are no regulations or requirements to govern Foster Carers. Is there any future consideration for this?
- The Department of Local Government and Communities are aware of this issue but a review of the Act is prioritised by the Minister and a review of the Dog Act is not high on the list at this time.
 - Rangers need to build good relationships with the Foster Carers to work with them but will still need to enforce the Law as necessary.
 - Rangers can go back to the organisations to notify them if the carers are not complying and work with them to deal with the issues.

Animal Welfare Act in the UK

- Q - How do they go about dealing with the minimal compliance as advise by Neil Burton in his presentation?
- It is an issue of limited resources. Only 10% of Councils took up Animal Welfare Act responsibilities.
 - In the UK the RSPCA takes Police to animal seizures but if Councils nominate their staff for inspectors, they don't need the Police, they take the Council staff instead.
 - In Australia gazettal of Rangers under the Animal Welfare Act is a choice of each Local Government.
 - The RSPCA is currently getting inspected and a Panel has been established to review the Act.