

# *Progress on Improving the Care and Management of Dogs*

**PUBLIC CONSULTATION**

12 October 2017



Ministry of Home Affairs

Department of Environment and Natural Resources

# RECOMMENDED CHANGES to the DOGS ACT 2008

## PUBLIC CONSULTATION

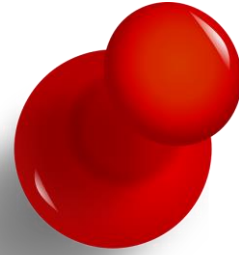
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## Positions & Proposals



- Andrew Pettit, Director
- Jonathan Nisbett, Veterinary Officer
- Department of Environment and Natural Resources
- Ministry has not vetted proposals
- Proposals not final

# Canine legislation

Dogs Act 1978

Dogs Act  
2008

**2017  
Amendments**

# Consultation to date - Process

Canine Advisory Committee



SPCA, Bda Vet Ass'n



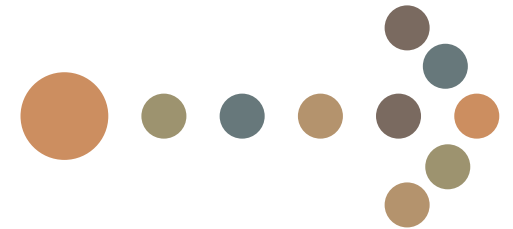
Department



AG's Chambers



Proposed legislation



# Canine Advisory Committee 2015



Today

- Seeking **public comment** on the proposed amendments to the Dogs Act 2008.



# State of competing interests



Person having a dog of the breed he/she desires		Public safety
Responsibility to respond to a dog attack	<b>VS</b>	Responsibility to <u>prevent</u> a dog attack
Duty to dog owner?		Duty to complainant?
Government's response to illegal dogs that haven't caused injury?		
Is breed-specific legislation unfairly prejudicial?		



# Prohibited & Restricted Breeds

Prohibited Breeds	Restricted Breeds
American Pit Bull Terrier	Akita
American Bulldog	Australian Cattle Dog
American Staffordshire Terrier	Belgian Malinois
Argentine mastiff (Dogo Argentino)	Bouvier des Flandres
Boerboel (South African Mastiff)	Bull Terrier
Brazilian Mastiff (Fila)	Bullmastiff
Cane Corso	Chow Chow
Neapolitan Mastiff	Doberman Pinscher
Presa Canario	Dogue de Bordeaux
Tosa Inu	German Shepherd
Wolf	Mastiff – English
Wolf Hybrid	Rhodesian Ridgeback
Any Cross of the above	Rottweiler
	Staffordshire Bull Terrier
	Any Cross of the above

# Bermuda's data 2013, 2017

## Most Popular Breeds & Large Breeds Amongst the Twenty Most Popular Breeds in 2013

	Breed	Percent of Population 2000 - 2012	Percent of Population 2013	Percent of Population 2017
1.	Pitbull	12.4	10.2	6.6
2.	Yorkshire terrier	5.5	9.2	10.6
3.	Labrador Retriever	7.2	7.6	7.5
4.	German Shepherd	6.4	5.3	4.8
5.	Unspecified mixed breed	6.8	4.0	3.4
...				
10.	Boxer	2.1	2.8	2.6
12.	Doberman Pinscher	2.2	2.5	2.1
13.	Golden Retriever	2.4	2.5	2.2
14.	Rottweiler	4.9	2.5	2.1
19.	American Bulldog	1.9	1.4	0.7
20.	Labradoodle (Labrador - Poodle)	0.5	1.2	1.4

The missing positions were occupied by small breeds.

# Bermuda's data 2013

## Dog Attacks Years 2001-2012

Primary Breed	Restricted/ Prohibited	Percent of Population (All Time)	Biting / Injury to a Person	Biting...Person	Biting / Injury to an Animal	Biting...Animal	Chasing / Threat Behaviour	Chase...Threat	Cruelty - Improper care	Improper Care	TOTALS
Pitbull	P	12.4%	58	36%	267	53%	245	34%	202	47%	772
German Shepherd	R	6.4%	21	13%	24	5%	71	10%	18	4%	134
Rottweiler	R	4.9%	18	11%	33	7%	93	13%	35	8%	179
American Bulldog	P	1.9%	8	5%	19	4%	27	4%	32	7%	86
Jack Russell Terrier		2.4%	7	4%	12	2%	1	0%	2	0%	22
Doberman Pinscher	R	2.2%	6	4%	8	2%	21	3%	11	3%	46
Boxer		2.1%	5	3%	3	1%	11	2%	3	1%	22
Labrador Retriever		7.2%	5	3%	16	3%	45	6%	3	1%	69
Terrier type		5.3%	5	3%	13	3%	38	5%	15	3%	71
Unspecified mix breed		6.8%	4	3%	24	5%	48	7%	49	11%	125
Staffordshire Bull Terrier	R	0.8%	3	2%	4	1%	7	1%	2	0%	16

# Bermuda's data 2013

- *“How likely is it that an individual pitbull will offend in a biting/injury or chasing incident at some time in the future?”*

Breed	Adult* Population	Incidents**	Incidents per Adult	Individual Offenders	Offenders per Adult	Recidivism
All Breeds	16,982	1,291	7.6%	915	5.4%	1.41
Pitbull	2,151	453	21.1%	306	14.2%	1.48
Rottweiler	855	144	16.8%	96	11.2%	1.50
German Shepherd	1,090	117	10.7%	79	7.2%	1.48
Labrador Retriever	1,222	66	5.4%	50	4.1%	1.32
Unspecified mix	1,192	79	6.6%	60	5.0%	1.32
Excluding Pitbulls	14,831	838	5.7%	609	4.1%	1.38

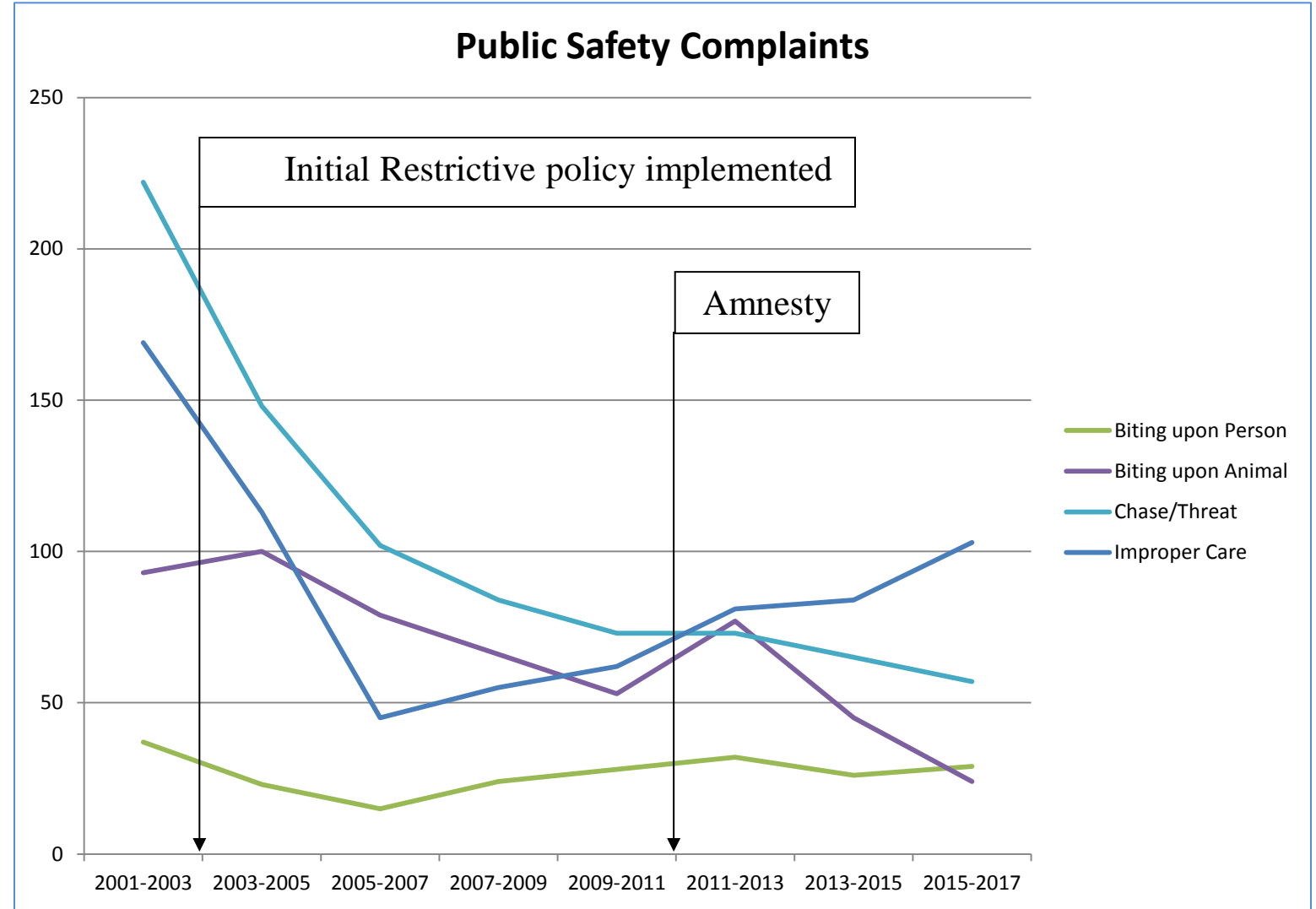
*\*This data considers only **Adult** dogs, i.e. dogs known to be at least one year of age (born or added to database before 01-April, 2012).*

*\*\*This data considers only **Biting/Injury** and **Chasing/Threatening** offences committed by adult dogs.*

# Quandary

- *Can Government justify the confiscation, euthanasia or deportation of a family pet dog that has not yet offended, even though its breed is responsible for very high rates of offences?*

# Effect of Restrictive policy



# Department's various approaches



- Too soft
- Not enforcing law
- Complicit with illegal breeding
- "Need more enforcement"

- Too harsh
- Breaking up families
- "Taking it out on the dog"
- Actions are unethical

## GOALS of an Amended Act

- Make the 2008 Act **practical** and **enforceable**.
- Ensure a robust regulatory framework for:
  - **successful management of dogs;**
  - **protection of the public;** and
  - **protection of the wellbeing of dogs.**
- Allow implementation of an improved 2008 Act.





Major  
recommended  
amendments –  
**Compliance &  
Enforcement**

- ✓ Enable ticketing regime
- ✓ Establish Dog Control Notices
- ✓ Establish civil penalties
- ✓ Ensure all illegal dogs were subject to the Act, i.e. dogs beyond the illegal breeding and excessive numbers

Major  
recommended  
amendments –  
Welfare of  
dogs

- ✓ Limitations on breeding
- ✓ Rescue dog from locked motor vehicle
- ✓ Establish Off-leash areas
- ✓ Establish Five Freedoms as welfare standards for animals
- ✓ Ban surgical procedures for cosmetic reasons such as tail docking, ear cropping etc.

Major  
recommended  
amendments –  
Miscellaneous

- ✓ Mandatory reporting of dog bites
- ✓ Public notification of changes in breed classification
- ✓ Controlled breeds in Regulations

# Ticketing regime

## Current

- Allows for issuing a ticket, but requires regulations for format of ticket

## Proposed

- Remove requirement for regulations
- Develop ticket & system to support it.
- Like a parking ticket

# Dog Control Notice

## Current

Court may order

- a) Destruction of the dog; or
- b) The keeper to observe requirements pertaining to future keeping of this or other dogs

ONLY AFTER OFFENCE HAS OCCURRED.

## Proposed

- **“Dog Control Notice”** for dogs out of control offence.
- In lieu of a citation
- Notice requires person to remedy deficiency, bring dog under control & maintain it as so
- Legally enforceable; failure to comply would be the offence.
- Subject to appeal to Minister and then to the Court

# Civil penalties

## Current

Silent on this issue; Does not exist

## Proposed

- Civil penalties reduces burden on judicial system

# Breeding – Welfare of female dogs

## Current

- Law is silent on these issues.

## Proposed

- Licence specific to dam & sire (or group of sires)
- Health certificate required
- Dam: breeding age 2-8 years
- Maximum 6 litters
- No back-to-back litters
- Restricted Breeds: Pre-approved premises upon application

# Water, shelter movement

## Current

1. No person shall leave a dog unattended on any premises unless the dog —
  - a) has access to drinking water;
  - b) has reasonable shelter against the sun, wind and rain; and
  - c) is able to move freely within an area that is not less than eighteen square feet.

## Proposed

- **Five freedoms in Care & Protection of Animals Act:**
  - Hunger, thirst
  - Discomfort
  - Pain, Injury or disease
  - Fear & distress
  - Express normal behavior



# Guard dogs

## Current

- Dog handler already licensed as a security guard under the Private Investigators and Security Guard legislation

## Proposed

- Require approved, registered handler
- Guidance on "suitability"

# Tethering

## Current

- Link thickness < 1/4"

## Proposed

- Prohibit tethering > 4 hours
- Prohibit tethering in unsafe circumstances

Include pet stores as a professional operation

## Current

- Already are brokers

## Proposed

- Recordkeeping
- Level of care
- Supporting “puppy mills”?

# Prohibit leaving dog unattended in vehicle during hot ambient conditions

## Current in Care & Protection Act

Any person who—

- ....wilfully causes or permits to be caused any unnecessary suffering, pain or injury to any animal

commits an offence of cruelty.

## Proposed

- Officer authorized to use reasonable force to extract dog from motor vehicle to relieve suffering and administer aid

# Prohibit cosmetic surgeries

## Current

- Not prohibited

## Proposed

- Prohibit cosmetic surgeries;
- Prohibit travel for cosmetic surgery;
- Implications for breed standards

# Mandatory reporting of dog bites/injury

## Current

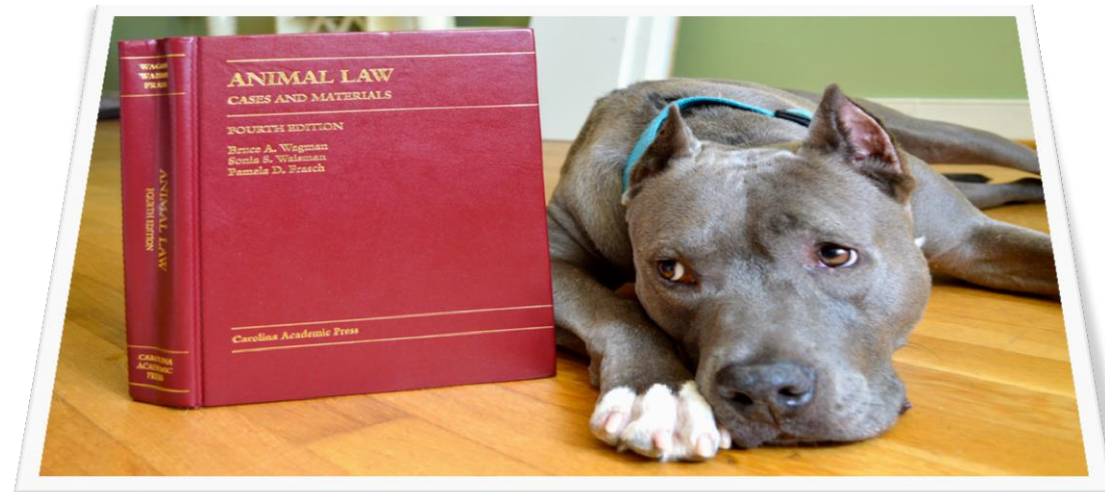
- No requirement

## Proposed

- Require reporting to better have record of incidents and animals' behaviour

# Potentially contentious amendments

- **Breed specific legislation / policy**  
(i.e. generalization of expected behaviour of an individual dog based on its breed)



# Breed specific legislation or policies (BSL)

## Current

- Dogs of certain breeds (& mixes thereof) are restricted from breeding & importation and to be kept behind a fence.



## Proposal

- Not to do away with BSL.
- Down-list Pitbull & Am. Bulldog
- Place any BSL in Regulation to minimize variances
- Public consultation & notice before changes
- Possible additional requirements for keeping:
  - Higher licence fee
  - Insurance
  - Fencing
  - No tethering
  - Spay/Neuter
  - No off-leash area
  - Bite training



# Prohibited & Restricted Breeds

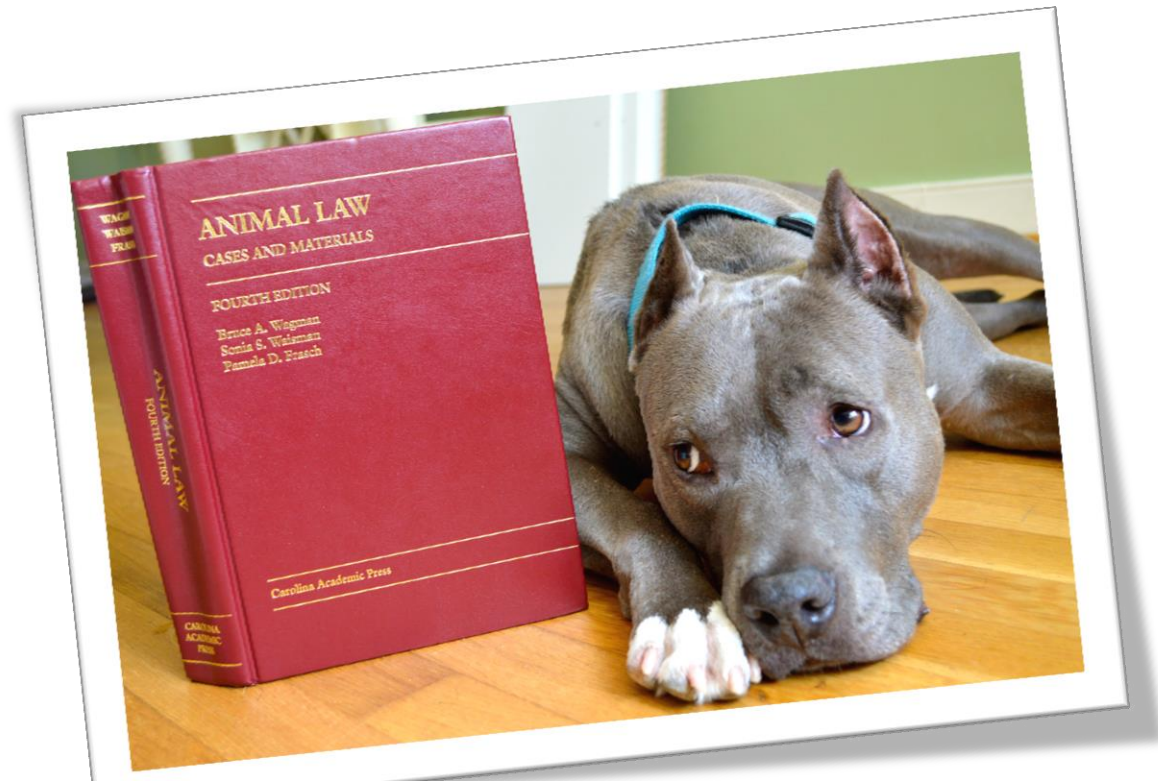
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Neapolitan Mastiff	Bullmastiff
Presa Canario	Chow Chow
Tosa Inu	Doberman Pinscher
Wolf	Dogue de Bordeaux
Wolf Hybrid	Fila São Miguel (Azorean Fila)
Any Cross of the above	Shepherds, All types
	Mastiff – English
	Rhodesian Ridgeback
	Rottweiler
	Staffordshire Bull Terrier
	Any Cross of the above

## Potentially contentious issues

- **Down-listing of pitbull to 'Restricted'**
- **Down-listing of other prohibited breeds**
- **Breeding of pitbulls?** – Limit number of litters
- **Importation of pitbulls?**
  - **Fighting lines**
  - **Immigrating/Repatriating families with dogs**
- **Return of dogs previously deported?**

Potentially  
contentious  
amendments

- Seizing of non-aggressive dogs,  
non-compliant keeping



# Summary



1. Improves the standard of care
2. Creates a fair system for dog ownership
3. Reduces pressure on the judicial system
4. Changes human behaviour for the better
5. Creates framework for less inconsistencies / ambiguity for decisions

Questions?  
Thoughts?



Comment cards

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Comments due: **October 20**