Banning or Restricting Certain Breeds of Dogs

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Following some very serious dog biting incidences recently, not surprisingly, there have been renewed calls for the ‘banning’ or restricting of certain breeds of dogs in Tasmania. As it happens, this matter was already under active consideration, by the Working Group, established by the State Government, to look at certain aspects of the Dog Control Act 2000.

I thought it might be useful to clarify some aspects of this debate because it is expected that, in the not too distant future, the State Government will make an in-principal decision on this issue. There are some aspects of this debate that should be of concern to the broader community and to councils more specifically. The most serious concern is that the banning or restricting of dogs by legislation is seen by some as the solution to the issue of dog biting - that dogs that bite will somehow cease to be a problem simply because the legislation exists. It is very important dispel any such sense of security.

Legislation restricting or banning specific breeds of dogs has been introduced in many parts of the world. An extensive amount of research has been conducted internationally into the effectiveness of breed-specific legislation. In short, this research suggests that the legislation has been ineffective in the prevention of dog attacks and is considered as a knee-jerk political reaction to a community call for action. Those responsible for its implementation around Australia, seem to be coming to similar conclusions and it is hoped that we can learn from these findings. However, one of the arguments in favour of Tasmania mirroring legislation in other states, is that otherwise, we could become a breeding ground for these dogs for the rest of Australia.

The restrictions that are being considered in Tasmania, similar to that in other states, would apply to only a very limited number of dog breeds - basically those breeds which are prohibited from import into Australia including American pit bull terriers, pit bull terriers, Argentinian Dogo, Brazilian Fila and Japanese Toza. In Tasmania, most of these breeds are not represented. It is unlikely that there is a good understanding within the community of the very limited nature of these restrictions, given the small number of breeds to which they apply.

In other parts of the world, other breeds have been restricted. How would you go about determining other breeds that should be restricted in Tasmania - on the basis of dog bite statistics? In a number of countries there has also been extensive research into biting patterns relating to different breeds of dogs. A number of points emerge from this research:

- Dog attacks involve a range of common and popular breeds of dog. Breed alone, is considered to be a poor indicator of whether a dog will exhibit aggressive behaviour.
- Analysis of dog bite statistics may be misleading for a number of reasons, including the overall number of a particular breed of dog due to misidentification when a dog attack has occurred, under-reporting of bites by smaller breeds because the consequences have been less significant, and non-reporting of many incidences.
- There are a number of factors that will influence aggressive behaviour, including genetic predisposition, previous learning experiences and current environment.

In Tasmania, the dog population is very small to be drawing conclusions about certain breeds of dogs, especially in light of the shortcomings identified above. As councils are very aware, we are not even sure what the complete dog population is because a number of dogs have not been registered.
The major concern for Local Government is that once such provisions are in place, councils would then have a responsibility to ensure compliance, leading to resource implications. It also raises the issue as to how those breeds are properly identified - this has been a significant issue elsewhere. Identification of a dog of a restricted breed at time of registration could certainly not be relied upon! It is often difficult to accurately identify the breed of a dog, especially from a visual appraisal of physical characteristics. Although purebred dogs may have documentation identifying the breed, the majority of dogs in Australia are crossbred and here is no DNA test available to differentiate between them.

Extensive research overseas, indicates that introduction of breed-specific legislation has made no difference to the incidence of dog biting. It is considered that rather than introduce legislation that has proven ineffective elsewhere, which will be difficult to implement and might create unrealistic expectations, it is far more important that the provisions relating to dangerous dogs in the Dog Control Act 2000 are strengthened, so that councils have a range of effective measures to control appropriately any dog that has shown aggression.

**Work on Review of Local Government Board continues**

During the review of the Local Government Act, a range of matters relating to the role, functions and membership of the Local Government Board was raised, a number of these by Local Government. It was agreed with the State Government that examination of the majority of these issues should be deferred until a later date.

In February 2006, Terms of Reference were approved and a project Steering Committee established, for a review of the operations and functions of the Local Government Board.

In the meantime, LGAT had established a small working group to consider the Association’s position in respect of the role and functions of the Local Government Board. A paper was prepared and circulated to all councils for comment. This paper was used as the basis of the Association’s response, in June 2006, to the invitation to make a submission to the development of an issues paper.

The issues paper was released in late November 2006, with a call for submission to be received by 7 February 2007. The Association has recently made a response to the issues paper, based on the outcomes of the working group and previous consultation with councils. As the issues paper was released much later than anticipated, the timelines for the project have been amended. It is anticipated that the steering committee’s draft report will be released for an extended period of consultation towards the end of April, following which the report will be finalised and recommendations forwarded to the Minister Assisting the Premier on Local Government in September.
Waste Management Matters

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Waste management certainly matters to Local Government. It is a significant and sometimes politically divisive issue for councils.

The nature of municipal waste has changed dramatically in ways that were not envisaged by the original architects of Local Government waste management systems. There is now a much greater burden placed on Local Government as it attempts to keep pace with escalating government regulation and community expectations in relation to sustainability and the desire for better environmental standards. The growing emphasis on issues such as recycling and resource recovery, effective data collection and measurement, better landfill management and collection of hazardous wastes, coupled with the regulatory imperatives and environmental protection measures developed in response to rising community expectations, are not without their costs. Indeed, Tasmania’s 29 councils spend in excess of $33 million per annum on waste management infrastructure and services.

As the major waste management service provider in local communities, Local Government is feeling the pressure economically, environmentally and politically. Paradoxically, the community’s demand for improved environmental standards is not necessarily reflected in social trends and patterns of consumption, which are increasing in scale and diversity. In fact, given the high levels of waste produced in this country, it appears that the costs of disposal are having little impact on the consumption patterns of Australians. This obviously presents Local Government with a dichotomy that is difficult to negotiate, both practically and politically. It also underscores the fact that waste issues are inextricably linked to broader social, economic and environmental questions.

As a community leader, policy maker and service provider, Local Government has a role to play in working with communities to encourage waste management practices that are consistent with their desire to live more sustainably. But this is not solely the responsibility of Local Government. There is certainly a need for policy interventions by the other spheres of government that will improve the ability of Local Government to provide good waste management services and which will help communities to adopt sustainable practices. Incentives or regulatory measures to encourage product stewardship schemes, the removal of institutional and regulatory barriers and public education are some areas where governments can work with producers, manufacturers, importers and consumers, to come to terms with their waste management disposal obligations.

These are some of the issues that the Association raised in its submission to the Productivity Commission Inquiry into waste, the final report of which has recently been released. Its findings are worth noting, particularly in the context of some current waste management policy preoccupations.

Productivity Commission Inquiry Report

Key points contained in the Commission’s report suggest that some jurisdictions have adopted unrealistic and potentially costly waste minimisation targets, which have been driven by inappropriate and inconsistent policy objectives that have given rise to a range of ‘unsound interventions.’ These include: the use of landfill levies to achieve waste diversion targets and raise revenue; the introduction of mandatory product stewardship schemes where disposal problems have not been adequately demonstrated; and subsidising often costly waste recovery options that have questionable environmental benefits.

It recommends that the actual costs of kerbside waste and recycling services should be communicated to the community and ‘pay-as-you-throw’ pricing approaches more widely adopted. The report also addresses issues such as the need for better national waste data and makes recommendations about landfill management, including the need for better compliance and enforcement of sites, the desirability of full cost recovery, and shifting responsibility for major waste disposal and recovery centres away from Local Government to constituted regional waste authorities.

The thrust of the report is that waste management policy has become distracted by questionable overarching objectives and should be reformulated to focus on reducing social and environmental risk, rather simply than reducing waste levels to certain levels. Waste avoidance and recovery should not necessarily be seen as objectives justifying government intervention in their own right. There must, according to the report, be net benefits to the community, rather than the simple pursuit of potentially unrealistic goals. This certainly provides food for thought!

Meanwhile the Association is keen to continue to work with councils and the State Government on a range of critical waste management policy issues that realistically reflect community expectations and...
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capacity to pay. In 2007, this is occurring through a revised consultative process.

**Formation of a Local Government Waste Management Reference Group**

In 2005, a High Level Oversight Group (HLOG), comprising State and Local Government representatives, was convened under the umbrella of the Premier’s Local Government Council, to progress a number of issues that remained outstanding from previous waste management forums. These included: the improved management of controlled waste; the implementation of a waste classification and measurement system; the progressive development of a state waste management strategy; and development of regional waste management approaches.

While substantial progress was made in all of these areas through the HLOG, there was some concern on the part of Local Government regional representatives that the governance structure of the group was problematic in requiring them to make potentially binding decisions for councils within their regions, without necessarily having the authority to do so.

As a result, HLOG was disbanded in October 2006 and the Association has convened a Local Government Waste Management Reference Group, comprising representation from LGAT and each of the regions, that will continue to liaise regularly with the Director of Environmental Management on matters of common interest to State and Local Government. It is anticipated that the reference group will provide a forum in which to consider high-level waste management policy issues, with the ability to refer these to LGAT General Meetings for deliberation and decision.

**The Waste Management Policy Agenda**

In terms of the actual waste management issues on the policy agenda for Local Government there has been significant progress in the development of regional frameworks. Obviously the South already has a fully operational regional strategy through the Southern Waste Strategy Authority and now both the North and North Western regions are well advanced in developing frameworks appropriate to their councils’ needs.

There is also cooperation between State and Local Government on the development of a state waste strategy with the Department of Tourism, Arts and the Environment (DTAE) currently engaging a consultant to produce a state strategy through a consultative planning process that will involve broad participation by Local Government. The process is expected to be completed by June 2007.

As well, the Local Government Reference Group is considering a proposal from the State Government to jointly support a pilot Household Hazardous Waste Collection project and will be engaging in further discussion with DTAE on how this can be implemented and funded.

On the matter of waste classification and performance management, it has been encouraging to note the level of cooperation between State and Local Government in progressing this issue. A Waste Data Working Group, comprising State and Local Government representation, successfully conducted three regional workshops on waste data collection and reporting during December and January. About 24 councils participated in the workshops, with State and Local Government members taking a consolidated approach in presenting material on the rationale, benefits and operation of a waste classification system. A number of documents and presentation tools used during the seminars will be packaged up to create a waste data web page on the DTAE website.

**Controlled Waste Management Strategy**

A further initiative being pursued by the State Government, jointly through the Department of Economic Development and DTAE, is a project to develop a management strategy for controlled waste in Tasmania. The aim of the project is to establish adequate facilities to meet the disposal needs, on a sustainable basis, of Tasmanian industry. The project will entail an assessment of whether there is a commercially viable opportunity to establish the infrastructure required and a review of current regulatory requirements for the management, treatment and disposal of controlled waste in the state. While not directly responsible for this project LGAT, as a key stakeholder, is represented on the project steering committee and working group. A workshop for stakeholders and industry was recently convened and a consultant is to be engaged to progress the project.

**National Packaging Covenant**

In accordance with the requirements of the National Packaging Covenant (NPC), the Association recently submitted its first annual report since becoming a signatory to the Covenant in late 2005. At this stage the Association’s objectives are largely aligned with the priorities outlined above - progressing regional waste strategies, improving data collection and performance management, and contributing to the development of a state waste strategy. But as these objectives are fulfilled, the Association would expect to be able to focus more on encouraging Local Government to develop projects eligible for NPC funding, to improve waste management in Tasmania.

For further information, contact Dr Christine Standish on 6233 5967 or email christine.standish@lgat.tas.gov.au.
Does Your Employee Appraisal System Lack PERFORMANCE?

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