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REPORT FROM DR SEKSEL

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Sydney Animal Behaviour Service



20 February 2013

TO WHOM IT MAY CONCERN

RE: Mr Lawrence Gibbons of [REDACTED]
Desexed Male German Shepherd Cross Kelpie, **Oscar** Microchip
Number:9820009101675532

I certify that I am a registered veterinarian and a registered Veterinary Specialist in Behavioural Medicine. I have worked in the field of behavioural medicine and animal behaviour for over 18 years.

On 6 February 2013 I examined a 9 year old, desexed male German Shepherd Cross Kelpie called **Oscar** that I understand to belong to Mr Lawrence Gibbons of [REDACTED]. The examination took place at Sydney Animal Behaviour Service located at Seaforth Veterinary Hospital, 55 Ethel Street Seaforth, NSW.

I was requested to see **Oscar** in relation to his owner, Mr Lawrence Gibbons, being served with a Notice of Declaration of Dangerous Dog (pursuant to section 34 of the Companion Animals Act 1998) that I was informed has been issued by an officer of the City of Sydney Council. The Notice of Declaration of Dangerous Dog dated 20 December 2011.

“Details of the alleged incident:

On Tuesday 6 September 2011 about 6.45 pm. A male dog by the name of “Oscar” that was tied up to a window grill by its owner at the time. This was at the corner of Arnold Place and Crown Street Darlinghurst. The dog attacked a male person while he walked past the dog. The attack was unprovoked and left him with puncture wounds and torn clothing.”

I was also informed that both **Oscar** and **Felix** were tied up to the grill at the time of the incident. Mr. Lawrence Gibbons also informed me that **Oscar** had a nuisance order against him on 15 June 2010 when he was owned by Mr John Boers. I was informed that **Oscar** has always been a nervous dog and has been known to occasionally nip when frightened.

Mr Lawrence Gibbons was not present and did not witness the alleged incident as the dog was in the care of Mr John Boers. I was provided copies of photographs of the injuries to the male person, as well as photographs of the area where the incident was alleged to have occurred.

BACKGROUND

All behaviour is determined by a combination of genetic predisposition, learning from previous experiences and the current environment. . The dog's genetic background (species, breed and familial) influences some behaviours. Overlaying the influences of the dog's genetic background are its previous experiences such as anticipation of a walk, pain experienced, interactions with other dogs, animals, and people which affect the behaviour the dog displays at a particular time or in response to specific stimuli. The current environment, for example the presence of other animals, the owner, other people, or experiencing pain will also influence the dog's behaviour at any given time.

Additionally the behaviour of others (such as other dogs, other people, the victim) is also important when considering the reasons behind a dog behaving in a particular way. Social facilitation is a phenomenon in which the behaviour of an individual has an additive or reciprocally stimulating effect on others. For example territorial or protective aggression by one member of the group may initiate the same defensive response in other group members. Social facilitation could be said to resemble riotous behaviour in humans.

Prevention of dog bite programmes universally recommended that the victims stand still, not stare or make eye contact with the dog and not to make a noise or scream or shout. The behaviour of the other dog and the person present during the alleged incident is unknown in this case.

In order to evaluate any behaviour, and the likelihood that it will be repeated, all of the above factors are important and need to be considered in the context in which the behaviour occurs. In cases involving aggression the most common underlying factor is anxiety. Other relevant factors include age of onset of aggression, duration of aggression, frequency of aggression, intensity of aggression, response to aggression, and the context in which the aggression occurred, i.e. was there any provocation, from all perspectives (that is the dog's as well as the victims). These factors also need to be considered when deciding if the dog is dangerous. It is important to recognise that aggression is a normal behaviour of all species and the appropriateness or social acceptance of this behaviour is context specific.

Anxiety is caused in part by a problem with how the brain processes information and it is a medical problem - just like diabetes is caused by a problem with how the pancreas processes glucose. In the brain, information is conveyed between different parts by chemical messengers called neurotransmitters. There are lots of different types of messengers that have varying effects on thoughts and feelings. These messengers bind to structures called neuroreceptors which then pass the message along. Low levels of chemical messengers such as serotonin or noradrenaline or a problem with the neuroreceptors may result in increased feelings of anxiety and concern. Well recognised signs of anxiety include the behaviours categorized by the "4 F's" - flight, fight, freeze and fiddle.

There are many recognised categories of aggression including fear, territorial and pain. Aggressive behaviours may be defensive or offensive. Aggression may be used by a dog in response to a perceived threat to itself, its "family" or valued resources. The main aim of dogs

exhibiting defensive aggression is to make the person or animal they perceive as threatening back off - once this has happened they seldom continue their attack.

BEHAVIOURAL EXAMINATION

The behavioural assessment took place over approximately a three hour period at Seaforth Veterinary Hospital. The assessment included observation of the dog's behaviour both in the owner's presence and in the absence of the owner. The dog was observed both on and off the leash. The assessment included observation of the dog's behaviour in the behaviour reception area, the consultation room, the test area, the veterinary hospital car park and street in front of the veterinary hospital. Mr Gibbons' other dog **Felix** (a 9 year old male desexed Rottweiler cross Ridgeback) was also present during the consultation but not during the behavioural assessment,

A behavioural history for **Oscar** based on information provided to me by Mr Lawrence Gibbons was taken at the time of the consultation. This history included questions about his responses to people, dogs and noises such as thunderstorms in various contexts such as the home, at the veterinary hospital and the street.

A behavioural assessment test was performed based on the protocol that is similar to one that is used by welfare organisations to assess surrendered dogs as to their suitability for re-homing. During the separate sections of the test the dogs are offered toys and food which are then removed. The dog is handled and progressively restrained. The dog is also exposed to loud noises and to a moving person. They are generally exposed to other dogs and also left confined without human or canine company for a short period. The dog's reactions to a new environment, novel stimuli, being handled and restrained, having food and toys offered then removed are rated during the test.

For welfare reasons, there are issues with using even friendly dogs with stable temperaments for testing dog-dog reactions during shelter behaviour assessments. Studies have shown that many dogs that will respond aggressively to real dogs also display aggressive behaviour towards toy or replica dogs. **Oscar's** response to a small white fluffy Pekinese type toy dog and Border Collie type toy dog was assessed.

It was noted that Oscar was lame and was slow in rising and laying down indicating that he is possibly arthritic and painful in his left hip. He has not been to a veterinary surgeon to have this assessed.

Oscar's behaviour was responsive to my requests in the test area. He was wary of being handled and did not approach me at any stage except to have treats. He was reluctant to have his neck area examined when he was scanned for his microchip. His response to the toy dog was to run to the opposite side of the room. He also retreated when sudden movement occurred (eg star jumps). He accepted food being removed and showed no interest in toys or tennis balls. He was calm and responsive to requests when walked around the veterinary hospital behaviour waiting room, the hospital car park and the street outside the veterinary hospital. **Oscar** showed no response to people passing in the street.

It might reasonably be expected that a dog showing any type of aggression would exhibit signs such as growling, snarling, piloerection, teeth baring etc when exposed to the stimuli such as those used during the behavioural assessment. **Oscar** did not show any behaviours associated with defensive or offensive aggression, such as attempting to lunge or bite, when

approached when eating, when toys were removed, during handling by an unfamiliar person and when exposed to unfamiliar people or unfamiliar dogs.

He did however, show signs of anxiety and fear in that he retreated when he was concerned about any of the stimuli. His behavioural assessment indicates that he is more likely to exhibit flight behaviour rather than fight behaviour when he is concerned.

IMPACT OF DECLARING A DOG DANGEROUS

The major behavioural impact on dog and owner of the additional requirements relates to the requirement to keep the dog in an enclosure within the owner's property (Companion Animals Act 1998, Section 51.1.c). Dogs are social animals and have a need for the companionship of their family members. Many of the problems experienced by owners and the community with dogs relate to this issue. People are away from their dogs for long periods of time at work and dogs have not evolved to deal comfortably with this social isolation. The company of another dog is not enough for dogs whose primary social bond is to people. Owners of all dogs should spend as much time as possible interacting with the dog, that is, training, playing, exercising, physically touching and just occupying the same area.

If any dog, including a dog that is declared dangerous, is kept in an enclosure within the owner's property, the opportunity for social contact with people and other animals is substantially reduced and in some cases may be precluded altogether. Further the use of enclosures in this way also reduces the opportunity for interaction with family members. Given that social interaction is important for the day to day psychological health and welfare of the dog such confinement will have a negative impact on the welfare of the dog and is unlikely to change a dog's behaviour for the better.

Bearing this in mind I am of the opinion that dogs should only be declared dangerous if they have aggressive tendencies that are not able to be managed effectively such that the dog poses an ongoing real risk to the health and welfare of people or other animals they come into contact with.

RECOMMENDATIONS FOR FUTURE MANAGEMENT

1. **Oscar's** owner should take him to the veterinarian for a complete physical examination as pain may be a significant factor for **Oscar's** behaviour. It is well recognised that pain makes animals more reactive and anxious about being approached.
2. **Oscar's** owner informed me that he has a securely fenced property that should adequately contain **Oscar**. This satisfies section 12A(1) of the CAA 1998.
3. **Oscar** should be walked on a lead attached to his collar at all times as per section 13 and Section 51 (1.e.i) of the CAA 1998.
4. At no time should **Oscar** be allowed off his owner's property without his owner or a handler experienced with handling dogs being present. His owner or experienced handler should always keep him under effective control when out. This satisfies section 13(1) of the CAA 1998.

5. At no time should **Oscar** be tethered or tied up when out as this will not allow him to retreat if he is concerned. This way he will always be under effective control when he is out. This satisfies section 13(1) of the CAA 1998.
6. **Oscar's** owner should take him to a Delta Australia course and undertake training to the equivalent of the Canine Good Citizens certification with a qualified CGC instructor. This certification shows that the dog has achieved proficiency in skills required to be an acceptable pet.

CONCLUSION

My assessment of **Oscar** is that he generally appears to be a well behaved dog around people and dogs. Declaring him a Dangerous Dog and requiring him to be confined to an enclosure is likely to be detrimental for his behaviour as it will isolate him from social contact with people.

I am of the opinion that he poses little risk to the community if the provisions of the Companions Animals Act that related to the care and control of dogs in general are complied with and particularly if the level of care recommended is followed.

Yours sincerely



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