



American Staffordshire Terrier Club of Victoria Inc.

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15.04.10

To:

Desley Boyle
Minister For Local Government
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Cc:

Mr Logan Timms
Senior Policy Officer
Strategic Policy and Legislation
Department of Local Government, Sport and Recreation
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Dear Minister

The American Staffordshire Terrier Club of Victoria Inc (proudly affiliated with DOGS Victoria) would like to express our deep concern regarding the Supreme Court of Queensland judgement that was handed down on the 6th April 2010, in the case of Chivers (applicant) versus Gold Coast City Council (respondent).

Based on the evidence submitted by the Gold Coast City Council it was the court's judgement that the American Staffordshire Terrier (Amstaff) and the American Pitbull Terrier (APBT) are the same breed of dog. This judgement by the Supreme Court is the result of a long running court case involving the misidentification of an Amstaff as an APBT by the Gold Coast City Council (GCCC). In handing down the ruling, the Honourable Justice Martin noted that "in this case there is unchallenged evidence as to the identity of the APBT and the Amstaff" and in saying so alluded to the fact that his ruling was made solely on the evidence of the Gold Coast City Council without response from the canine community.

As the APBT is a restricted breed under state and Commonwealth law, the ASTCV is very concerned this situation has the potential to set a precedence whereby the Amstaff could incorrectly, and quite unjustly, be considered a restricted breed. This precedence is likely to have an effect outside of QLD also and will dramatically impact upon an entire, recognised pure breed, representing tens of thousands of dogs and their law abiding owners.

It is our understanding that the QLD Department of Local Government is now investigating this situation and are seeking a solution. In doing so we ask that you consider the following:

- The Amstaff is not a restricted breed under the *Commonwealth Customs (Prohibited Imports) Regulations Act 1956* upon which all state restricted breed legislation is based. Likewise the Amstaff is not considered dangerous or restricted by any Government or Municipality in any State or Territory in Australia.
- The Amstaff was first recognised as a breed by the American Kennel Club in 1936 and today is a pure breed of dog in its own right, complete with its own closed gene pool, closed pedigree registry and individual Breed Standard. The Amstaff is distinguished from the APBT by this closed gene pool, with the Amstaff gene pool serviced exclusively by AKC registered Amstaffs, free from any outside genetic input by APBT or any other breed of dog.
- Mr George Sofronidis BSc (Hons), Manager of Animal Diagnostics for Genetic Technologies Limited (GTG), specialists in DNA profiling for canines, has confirmed his company have been able to identify a distinguishing genetic breed marker for the Amstaff in Australia. GTG have run blind samples comparing the Amstaff and the APBT and are of the scientific opinion the 2 breeds are now genetically unique and separate here in Australia.
- The Amstaff is recognised by the majority of the world's major canine governing bodies, such as the American Kennel Club (AKC), Europe's Fédération Cynologique Internationale (FCI), and the Australian National Kennel Club (ANKC), as a distinct breed in its own right. In contrast none of these organizations recognize the APBT or allow it to be cross bred with the Amstaff.
- While the Amstaff and the APBT shared common ancestors almost 100 years ago, as canine authority Joe Stahlkuppe points out "Today, these breeds are *not* the same. In the over half a century that they have largely been bred separately, gradually they have become two different breeds."
- The Amstaff represents 84 years of selective breeding to produce a companion, working and show dog of outstanding temperament and stability. The emphasis in breeding Amstaffs is on stable, predictable temperaments, correct conformation and sound health.
- In 2006 the American Temperament Test Society (ATTS) showed the Amstaff to have a temperament test pass rate of 83.9%, higher than the average for all breeds of 81.5% (taken from 27,162 test subjects). This was also higher than that of many popular breeds such as the Golden Retriever (83.8%), Dalmatian (81%) and Border Collie (80.0%).
- The official Breed Standard Extension of the American Staffordshire Terrier describes the breed as "absolutely never aggressive towards humans. They are not a guardian breed by nature and trust most people to be their friends, confident in these relationships."
- While it is true that the United Kennel Club (UKC) based in the USA allows Amstaffs to be "dual-registered" as APBT, neither the UKC nor its practice of dual registration are recognised or supported by any of the world's major canine governing bodies. The UKC does not operate in Australia.

Finally, the ASTCV echoes the sentiments of RSPCA National President, Lynne Bradshaw, who in the October 21 2009 issue of the National Times advised that "the RSPCA believes that deeming a dog as 'dangerous' should therefore be done on the basis of its behavior, not its breed". Breed Specific

Legislation has failed to reduce the number of dog incidents in the community because it only considers that dogs of particular breeds can be dangerous. This fails to take into account that any breed of dog, and indeed cross breeds, can be dangerous when in the hands of an irresponsible and neglectful owner. Rather than banning breeds, which only punishes thousands of innocent owners and their family pets, authorities would do better to introduce a program of community education in relation to responsible dog ownership, in conjunction with harsher penalties for those dog owners who act irresponsibly.

The ASTCV respectfully ask that you consider the above in finding a solution to the current situation regarding the Amstaff. I would be more than happy to discuss this matter with yourself or a representative if possible.

Yours sincerely,

Lincoln Hancock

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