

# Governing in the Dark: Victoria's Unseen Dog Attack Crisis

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Subject: A formal analysis of the systemic and legislative failures that enable dog attacks in Victoria and prevent justice for victims.

# Executive Summary

On November 14, 2024, my family's beloved Papillon, Manix, was killed in our own backyard by two pit bull type dogs that had entered from a neighbouring property. The attack was unprovoked, brutal, and occurred in a space where he should have been safe. In the immediate aftermath, my mother and I were directly endangered by the attacking animals. This personal tragedy served as the catalyst for an investigation into how Victoria's legislative, regulatory, and law enforcement systems respond to such events.

The subsequent failure to bring the perpetrators to justice was not an isolated incident or an unlucky exception. It was the predictable outcome of a system that is fundamentally broken. This document provides a detailed, evidence-based analysis of these systemic failures. It demonstrates how a combination of flawed legislation, misaligned government responsibilities, institutional conflicts of interest, and a pervasive culture of dismissal creates an environment where irresponsible owners can act with impunity and victims are denied justice.

The investigation reveals a "public safety vacuum" in Victoria, where no single government body is tasked with the primary mission of preventing dog attacks. Responsibility for the *Domestic Animals Act 1994* sits illogically within the agriculture portfolio, managed by Animal Welfare Victoria—an entity whose own priorities and key advisors are inherently conflicted. This has resulted in toothless restricted breed laws, a legislative framework that effectively grants every dog a "free first attack," and a deliberate refusal by government bodies to collect the basic data needed to understand the scale of the problem.

This document details these failures through a direct case study and analysis of correspondence with Victoria Police, Banyule City Council, Local Government Victoria, Animal Welfare Victoria, the RSPCA, and the Australian Veterinary Association. It concludes with a series of concrete, common-sense proposals for legislative and governance reform aimed at closing loopholes, assigning clear responsibility, and prioritizing the safety of the Victorian community.

# Table of Contents

1. Introduction	3
•1.1. Purpose of this Document	
•1.2. From Victim to Advocate	
2. The Catalyst: A Case Study in Systemic Collapse	4
•2.1. The Attack: Gross Negligence and Extreme Endangerment	
•2.2. The Evasion: A Coordinated Escape and Complicit Silence	
•2.3. The Official Response: A Chronicle of Failure	
•2.3.1. Victoria Police: Jurisdictional Abdication	
•2.3.2. Banyule City Council: Procedural Illusion and Victim Disempowerment	
•2.3.3. The Failure of Civil Justice	
3. Analysis of Key Systemic Failures	6
•3.1. A Flawed Legislative Framework	
•3.1.1. The "One Free Attack" Loophole: The <i>Crimes Act 1958</i> vs. The <i>Domestic Animals Act 1994</i>	
•3.1.2. Unenforceable Restricted Breed Legislation	
•3.2. A Broken Governance Structure	
•3.2.1. Misaligned Ministerial Responsibility	
•3.2.2. The Public Safety Vacuum & Conflicted Advisors	
•3.2.3. The Deliberate Data Black Hole	
•3.3. A Culture of Dismissal and Evasion	
•3.3.1. "It's Just a Dog Attack"	
•3.3.2. Institutional Stonewalling: The Case of the RSPCA and AVA	
4. A Pathway to Reform: Proposed Solutions	8
•4.1. Legislative Reform	
•4.2. Governance and Accountability Reform	
•4.3. Enforcement and Cultural Reform	
5. Conclusion	9

# 1. Introduction

## 1.1. Purpose of this Document

This document serves to formally identify and analyse the deep-seated systemic failures within the State of Victoria's approach to managing dangerous dogs and preventing attacks. It uses a specific, well-documented case as a lens through which to examine the inadequacies of the current legislative framework, the flawed governance structures, and the cultural biases that consistently fail to protect the public and provide justice for victims. Its purpose is to provide an evidence-based foundation for meaningful reform.

## 1.2. From Victim to Advocate

The author of this document is not a career politician or lobbyist. I am a citizen whose life was irrevocably altered by a violent dog attack that took the life of a family member, Manix. The subsequent journey through the supposed channels of justice revealed a system that is not merely under-resourced, but designed to fail. This document represents the transformation of personal grief and frustration into a formal, evidence-based advocacy campaign to ensure no other family has to endure a similar tragedy, followed by a similar, soul-destroying quest for accountability.

## 2. The Catalyst: A Case Study in Systemic Collapse

### 2.1. The Attack: Gross Negligence and Extreme Endangerment

On November 14, 2024, two powerful, pit bull type dogs with illegally cropped ears entered my property from a neighbouring residence. They gained access by slipping under a basic wire fence that was completely inadequate for containing such animals. The dogs, trained to be silent and stealthy, killed my 2.5kg Papillon, Manix, in an unprovoked attack.

Upon rushing outside, I was confronted by one of the dogs, which proceeded to lunge at me repeatedly as I carried Manix's body. My elderly mother was also charged at and forced to retreat behind a security door. It was only by sheer luck, and my own stunned lack of reaction, that I was not physically harmed. This was not merely a "dog-on-dog" incident; it was an act of gross negligence by the dog's owner that resulted in the death of my pet and placed two human lives in direct and imminent danger.

### 2.2. The Evasion: A Coordinated Escape and Complicit Silence

In the short time it took to drive Manix's body to the veterinarian, the dogs, their owner, and all associated vehicles disappeared from the neighbouring property. The neighbour, the property owner's partner, who had earlier expressed knowledge of the dogs and anger at their owner, became uncooperative. Her phone calls immediately prior to the escape suggest a coordinated effort to help the perpetrator flee and evade justice. Critically, despite being the single most important witness, this neighbour was never formally questioned by either the Banyule City Council or Victoria Police. This failure alone demonstrates a complete lack of serious investigation.

### 2.3. The Official Response: A Chronicle of Failure

The initial police response was superficial. Despite the clear endangerment to human life and the presence of what appeared to be restricted breed dogs, the matter was quickly reclassified as a "council problem." During a follow-up to a complaint I filed, the investigating police officer dismissed my concerns, framing the incident with the sentiment that it was 'just a dog attack.' This phrase encapsulates the cultural problem at the heart of police inaction.

Furthermore, it was this officer who revealed that the council investigator had unilaterally downgraded my report of a "pit bull attack" to a "Staffy attack," despite having never seen the dogs. This decision, made in secret, instantly removed the possibility of investigation under the *Crimes Act 1958* (s.319C), as an American Staffordshire Terrier is not a "restricted breed." This demonstrates how police abdicate their investigative duty by accepting unsubstantiated claims from council officers who are themselves operating under false assumptions.

The council investigation, led by the Team Leader of Municipal Laws, created an illusion of progress while taking no meaningful action. The only investigative step appears to have been a single, unsuccessful conversation with an uncooperative neighbour. My repeated requests to involve police or hold the neighbours accountable for their complicity were placated but ignored.

The case was then "escalated" to the council's legal team—a bureaucratic dead end, as prosecutors cannot act without evidence, and the investigators had gathered none. Following this, the lead council investigator began a campaign of disempowerment, rudely dismissing new evidence and then

"ghosting" all communication. This silence was only broken, after intervention from my local MP, with a final email confirming the case was closed. This cruel tactic, deployed against a victim known to be in a state of severe mental distress, is a hallmark of a system designed to manage and silence victims, not to seek justice for them.

As a final resort, I consulted a personal injury solicitor. After making an FOI request to the council, the law firm declined to take the case. The reasons cited were the successful evasion of the perpetrator (a direct result of police/council inaction), the difficulty of proving damages under the law, and the inability to hold the neighbours legally accountable for their complicity. This confirms that when the public justice system fails, it also effectively blocks any path to private justice.

### 3. Analysis of Key Systemic Failures

#### 3.1. A Flawed Legislative Framework

Victoria's laws create the illusion of protection while providing a clear loophole for irresponsible owners. This is achieved through a direct conflict between the state's primary criminal law and the animal-specific legislation.

- The Neutered *Crimes Act 1958*: Division 9AA (s.319) of the *Crimes Act* outlines serious indictable offences for endangering life with a dog. However, its power is completely neutralized because it only applies to dogs already declared as "dangerous" or "menacing," or identified as a "restricted breed."
- The Decriminalizing *Domestic Animals Act 1994*: Conversely, Section 29 of the *DA Act* establishes a separate, parallel system of much lesser offences for dog attacks. It creates a hierarchy of minor penalties, handled by councils, that effectively decriminalizes what should be treated as serious assaults. For a non-declared dog that kills or seriously injures a person, the maximum penalty under s.29(3) and s.29(4) is a mere 40 penalty units and no jail time. For a non-serious injury, the penalty drops to just 10 penalty units, and for a dog that simply rushes at or chases a person, the penalty is a trivial 4 penalty units.

This legislative architecture creates a clear "off-ramp" that allows the entire system (police, council, prosecutors) to treat what should be an indictable offence as a minor regulatory breach. This structure is the foundation of the "one free attack" loophole. An owner can endanger or even cause the death of a person, but as long as it is the dog's first official offence or they evade capture, they cannot be charged under the *Crimes Act*.

The *DA Act*'s "restricted breed" list is a failure of policy and science.

- The "Purebred" Fallacy: The law focuses on a narrow list of five purebreds, ignoring dozens of functionally identical breeds and types.
- The Cross-Breeding Loophole: The law fails to account for cross-breeding, allowing anyone to create a dog with the dangerous temperament of a restricted parent and the legal looks of a non-restricted one.
- Sabotage of Science: The law's arbitrary distinction between the American Pit Bull Terrier (restricted) and the American Staffordshire Terrier (not restricted)—two dogs with nearly identical genetic heritage—makes the use of definitive DNA testing in prosecutions practically impossible. The law is written in a way that sabotages its own enforcement.

#### 3.2. A Broken Governance Structure

In Victoria, the *DA Act* is the responsibility of the Minister for Agriculture. This fundamentally mischaracterizes a public safety issue as one of livestock management. Local councils, who enforce the act, are accountable to the Minister for Local Government. This disconnect creates a fractured, unaccountable system. The more logical NSW model, where the Minister for Local Government oversees both councils and the equivalent Act, provides a clear path to reform.

The Minister for Agriculture delegates responsibility for the *DA Act* to its sub-department, Animal Welfare Victoria (AWV). This institutionalizes a profound conflict of interest. As confirmed in

correspondence, AWV takes its primary legislative advice from councils and "animal welfare groups" like the RSPCA. These groups have a vested operational and ideological interest in minimizing restrictions on breeds to maximize rehoming rates. Public safety is, therefore, consistently subordinated to a narrow definition of animal welfare, creating a dangerous "public safety vacuum" at the heart of government.

The most damning evidence of this failure is the lack of data. In correspondence, AWV admitted that after more than 30 years, it is only now "considering" the proper collection of dog attack statistics from councils. When approached with a proposal to collect this vital data, Local Government Victoria (LGV) formally refused. Their response, in a letter dated 8 July 2025, reveals a logic that is both circular and self-defeating:

*"the role of Local Government Victoria is to provide policy advice, oversee legislation and work with councils to support responsive and accountable local government services. Therefore, Local Government Victoria's role does not extend to collecting information about the number of dog attacks in Victoria."*

This is an abdication of governance. It is impossible to "support responsive and accountable local government services" in this area while refusing to measure the most basic performance data—namely, the number and severity of dog attacks. This is a deliberate choice to remain ignorant of the problem's scale.

### 3.3. A Culture of Dismissal and Evasion

The sentiment that it was 'just a dog attack,' conveyed by the investigating police officer, is the unofficial motto of a failed system. It represents a pervasive cultural mindset within police and councils that minimizes the responsibility of the human owner and trivializes the trauma of victims. It is this culture that allows systemic failures to persist unchallenged.

When confronted with their clear conflict of interest, the state's most influential advisory bodies resorted to evasion.

- RSPCA Victoria's legal counsel flatly denied the conflict, stating: *"I don't see any conflict in the current advocacy work being conducted by RSPCA Victoria."* He then attempted to mischaracterize the systemic query as a personal grievance and ceased communication.
- The Australian Veterinary Association (AVA) responded to a direct inquiry with a form letter stating they *"cannot guarantee an individual discussion"* before ceasing all communication.

This documented pattern of denial and dismissal proves these organizations cannot be trusted as objective, sole arbiters of public safety policy.



## 4. A Pathway to Reform: Proposed Solutions

The following are concrete, common-sense proposals to address the systemic failures identified in this document.

### 4.1. Legislative Reform

1. Amend the *Crimes Act 1958*: Remove the precondition "dangerous, menacing or restricted breed" from Division 9AA (s.319). This will empower police to investigate any act of reckless endangerment with a dog, based on the owner's actions, not the dog's legal status.
2. Repeal Conflicting Sections of the *DA Act*: Repeal s.29(3), (4), (5), and (6) of the *DA Act* to ensure that attacks causing serious injury or death to a person are investigated exclusively as potential indictable offences under the *Crimes Act*.
3. Redefine "Restricted Breed": Amend the *DA Act* to define "restricted" based on lineage and purpose (i.e., any dog bred from bloodsport lines), closing the cross-breeding and AmStaff loopholes.

### 4.2. Governance and Accountability Reform

1. Realign Ministerial Responsibility: Transfer full responsibility for the *Domestic Animals Act 1994* to the Minister for Local Government to align legislation with enforcement and prioritize public safety.
2. Mandate Statewide Data Collection: Legislate a requirement for Local Government Victoria to collect, collate, and publicly report standardized dog attack statistics from all 79 Victorian councils annually.
3. Establish an Independent Public Safety Body: Create a task force or office within the Department of Local Government or Justice, free from the conflicts of AWV, with the sole mission of monitoring dog attacks, advising on policy, and advocating for victims.

### 4.3. Enforcement and Cultural Reform

1. Mandate Police Primacy: Issue a formal directive clarifying that Victoria Police is the lead investigative agency in any dog attack where a human is seriously injured or endangered.
2. Declare the *Owner*, Not Just the Dog: Introduce legislation to create a class of "Restricted Person" for owners convicted of serious dog attack offences. This would disqualify them from owning or controlling any animal for a period proportionate to the severity of the offence, up to and including a lifetime ban for incidents resulting in a human death.
3. Regulate the Source: Empower a law enforcement body to conduct active enforcement, including undercover operations, against the illegal and irresponsible breeding and online sale of high-risk dogs.

## 5. Conclusion

The system that failed my family and my dog Manix was not an anomaly. It is a system that is failing Victorians every day through legislative neglect, flawed governance, and cultural indifference. The safety of our communities has been compromised by a framework that protects irresponsible owners, is influenced by conflicted advisors, and refuses to even measure the scale of its own failure. The reforms proposed in this document are not radical. They are a necessary and urgent response to a clear and present danger. It is time for our elected officials to stop treating these tragedies as unavoidable accidents and to implement the structural changes required to create a system that truly prioritizes public safety.