

American Staffordshires - developments in Queensland

\$500,000 to keep dog off death row

AFTER spending almost \$500,000 on their fight, a couple plan to appeal against a Supreme Court decision that ruled their dog was an American pit bull, preventing it from returning to its Parkwood home.

The court yesterday ruled American Staffordshire Terriers were the same breed as the outlawed pit bull.

The decision has potentially dire consequences for Queensland's 25,000 AmStaff owners, including at least 1000 on the Gold Coast.

Kylie Chivers and John Mokomoko took on the Gold Coast City Council in court over the identification of their dog Tango as a pit bull, rather than an AmStaff.

It meant the dog was deemed dangerous and needed to be put down but they moved the animal to a safe location in a kennel south of Tweed Heads more than five years ago. In NSW, Tango could be registered as an AmStaff.

Yesterday, Justice Glenn Martin dismissed Ms Chivers' application, stating that Tango was an American pit bull -- the same breed as an American Staffordshire Terrier.

This followed expert evidence, supplied by Ms Chivers, that the council ultimately relied upon.

"The conclusion that I draw from that evidence is that the name American Staffordshire Terrier is a name which was adopted in the United States of America for purposes of promotion or other similar reasons and that that name was applied to American pit bull terriers," said Justice Martin.

When is a Pit Bull not a Pit Bull?

The Honourable Justice Martin, when considering the evidence presented in the Supreme Court of Queensland yesterday, in the application brought by Ms Kylie Chivers in respect to her dog "Tango" against the Gold Coast City Council, decided that her American Staffordshire Terrier (commonly called an AmStaff) is in fact an American Pit Bull Terrier (APBT).

Pedigreed, registered dogs owned and bred by Dogs Queensland members include AmStaffs and these dogs have many generations of recorded registered pedigree data and are bred specifically for improving type and temperament. These dogs are now far removed from what the community considers to be the typical Pit Bull.

The Australian Government decided to restrict the importation of APBTs in 1956 as many had been bred to work and in some

instances (particularly in the United States) that included fighting and it was believed that these dogs would therefore constitute a greater risk to people. This decision has been the subject of much criticism by dog enthusiasts over many years because it is generally believed that breeds should not be banned but the actions by small numbers of aggressive dogs should be penalised. In other words, ban the deed and not the breed.

AmStaffs, whilst originating from a similar genetic background, were developed with an entirely different objective.

That objective was to produce a well socialised sound dog suitable to urban living. Our responsible Dogs Queensland member/breeders have worked tirelessly over many years to achieve this objective working at all times within a clearly defined Breed Standard.

The American Staffordshire Terrier breed is recognised internationally and this unexpected decision seems to be contrary to all of the evidence that Genetic Technologies Ltd (a well respected and highly regarded HumanForensic and Animal Genetics &

"That practice appears to have been adopted in Australia. Therefore, as I am satisfied that the applicant has demonstrated that Tango is an AmStaff, it follows that Tango is also an APBT and is thus subject to the restrictions under the local laws referred above."

"We own 2 Pure Bred American Staffordshire Terriers with papers and I have never known a more loyal and loving companion than these two. We have had council come to our home to inspect our dogs and the council officer had no issue with them whatsoever so god help GCCC if they back track and try to take my babies. I'm with Dave start looking at some of the owners and not the dogs."

Outside court, Mr Mokomoko said the decision would set a precedent and he predicted Queensland councils would now enforce AmStaffs as pit bulls, declaring them dangerous.

"They will have to register as a restricted dog (if born before 2005) and have them desexed," he said.

"If born after 2005, it has to be destroyed. We are going to appeal with the help of the Australian national kennel club and the American pit bull club."

The Gold Coast City Council yesterday called on the State Government to clarify whether the ruling effectively outlawed AmStaffs.

Local Government Minister Desley Boyle said the council's local laws were responsible for prohibiting dogs, but the Government would examine the ruling to see if it had any implications for state animal management legislation.

In a surprise twist, Mr Mokomoko yesterday said he was contacted by the council which was considering making changes to local laws which could allow the dogs to live on the Gold Coast under strict guidelines.

Justice Martin did not order Ms Chivers to pay costs.

THOMAS CHAMBERLIN http://www.goldcoast.com.au/article/2010/04/07/205525_gold-coast-news.html

Diagnostics firm) has collected. GTG maintains that *"they are confident and can conclude*

that the breed signature for APBT is different to that of the AmStaff."

This decision has significant and far reaching implications for our responsible AmStaff member breeders and exactly how this decision will affect our members and their internationally recognised breed of pure bred, registered dog is still unclear.

CCC (Q) t/as Dogs Queensland is seeking urgent talks with the relevant State Government Minister(s) to discuss the possible ramifications of this Supreme Court decision.

We are confident that those talks will result in a positive and manageable outcome for our members and their pedigreed registered American Staffordshire Terrier dogs.

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