

**Inquiry into the Animal Care and Protection Amendment Bill 2022**

**Submission No:** 9

**Submitted by:** Nicole Hansbro

**Publication:** Make my submission and my name public

**Attachments:** See attachment

**Submitter Comments:**

17/05/2022

Dr Nicole Hansbro

State Development and Regional Industries Committee

Dear Parliamentary Committee,

**Submission on proposed amendments to the *Animal Care and Protection Act 2001***

Thank you for the opportunity to make a submission on the proposed amendments.

My name is Dr Nicole Hansbro. I have trained and participated in ANKC competition obedience with my border collies since 2008. I currently only have 1 border collie (Gary; 2 yrs old) but will be looking to add another to my family in a few years. I have previously owned 3 other border collies (Tina 1990 – 2004; Flick 2010-2020; Dave 2006 – 2021). I have previously been an instructor at my local dog club while serving as the club register and have been an ANKC Obedience judge (CCD and Novice) since 2018. I have and still do, work with a professional dog trainer to rehabilitate a dog aggressive dog (Dave since 2007) and train to a very high level for competition obedience (Flick since 2010 gaining many qualifications on near perfect scores) and now Gary. I have been a member of the dog sports and training community for 32 years

Over this time as a result of many different experiences I have had, I have used a variety of training tools that are available to trainers. The ability to be able to choose the right training tool for the dog in front of you, to find the solution to the problem that needs addressing is critical for anyone and almost everyone to be able to confidently enjoy their dogs at home and in public places. This is the reason I am strongly against the proposed amendments to the *Animal Care and Protection Act 2001* (detailed below).

As a key community stakeholder there are 3 main issues with the proposed amendments I wish to draw to your attention.

**Point 1:**

The Government has failed to follow it's own best practice. Whys is that? Why has the due process in this case not been followed? As a result of this, the key stakeholders and the wider community, the very people these changes will have a significant negative impact on have not been given their rightful opportunity to even be consulted on the proposed changes to the Act.

*The Queensland Government Guide to Better Regulation May 2019* states that:

The COAG Best Practice Principles For Regulation Making include:

- a) Consulting effectively with affected stakeholders at all stages of the regulatory cycle
- b) Ensuring that government action is effective and proportional to the issue being addressed
- c) Considering a range of feasible policy options including self-regulatory, co-regulatory and

nonregulatory approach

- d) Adopting the option that generates the greatest net benefit for the community

**This is clear evidence that the government has not followed its own best practice guidelines:**

I refer to the “REVIEW OF THE ANIMAL CARE AND PROTECTION ACT 2001 CONSULTATION OUTCOMES REPORT”, prepared by the Department of Agriculture and Fisheries and published in October 2021.

I refer to page 37 of the report, section titled “Relevant E-Petitions”. It is acknowledged that *“there were six animal welfare related e-petitions that were tabled in the Legislative Assembly during the consultation period. Issues raised in these e-petitions (listed below) are also being considered as part of the ACPA review process”*.

Of these six petitions, the relevant subject matter of three of these petitions was also included as part of the initial discussion paper; as such, stakeholders and the community were provided the opportunity to give feedback on these matters. I have included the 3 relevant petitions below:

- Make suitable shelter mandatory for all farmed animals (Petition no. 3499-21)
- Tethering of dogs must be prohibited (Petition no. 3501-21)
- Continue the use of all methods, including dogs, to control feral pigs (Petition no. 3515-21)

There remains three relevant e-petitions, for which there was no correlating subject matter in the initial discussion paper:

- Ban the use of shock collars on dogs (Petition no. 3526-21)
- Illegal to import - Prohibit the use of prong collars in Queensland (Petition no. 3530- 21)
- Prohibit the use of choke collars in Queensland (Petition no. 3531-21)

These three petitions were made to the Hon. Mark Furner, with closing dates in May 2021 and a response due date in June 2021. I wish to note that, since the closing of these petitions, there has been no opportunity provided to relevant stakeholders or the community to be surveyed on these matters. All three petitions listed above closed on 23<sup>rd</sup> May 2021. The closing date for feedback on the review of the *Animal Protection and Care Act (2001)*, as detailed in the Outcomes Report, was 21<sup>st</sup> May 2021.

With reference to the “*Animal Care and Protection Amendment Bill 2022 Explanatory Notes*”, page 33, section titled “*Consultation*”. The use of prong collars or any other restraint based tools is in fact missing from the key consultation outcomes of the discussion paper.

It is of concern to me that the following has been stated in the bill (I refer to page 18), given adequate community consultation has not been completed:

*“New section 37A allows for the possession of additional types of collars or devices to be prescribed. The amendment is required because continuous developments in collars and devices for animals means that some existing and new collars and devices become*

*unacceptable to the community”*

## **Point 2**

The Government has not even considered the impact the proposed changes will have on the wider community. This has to be assessed via a consultation process.

The “*Queensland Government Guide to Better Regulation May 2019*” states that “*The depth of analysis and consultation undertaken for a proposal should be proportional to the complexity and significance of the problem and the size of the potential impacts*”.

To quote from page 14 of the bill: “*New section 37A prohibits the possession of a prong collar or another restraint device prescribed by regulation, unless the person has a reasonable excuse*”

The proposed banning of restraint-based training tools presents a number of adverse impacts on the community, which have not been considered due to insufficient community consultation (as evidenced above). To quote from The Queensland Government Guide to Better Regulation May 2019, these include:

### **a) Business Impacts**

This will have a significant impact on the level and quality of service that professional dog trainers are able to offer their clients. I am yet to see or hear of any trainer or handler who has been able to rehabilitate a dog or human aggressive dog using positive reinforcement only. Yet I know of countless dogs that have been successfully rehabilitated using effective training tools (such as prong or e-collars). If people who offer professional training services are denied the ability to choose the most effective tool and training method for their clients and can only use a method that someone else (the government) prescribes to them, I dread to think of the number of dogs that will be put to sleep because they could not get the effective training they needed.

### **b) Competition Impacts**

The proposed changes indicate that those who are making these decisions have no experience at all with dogs. The end result would be limiting the methodologies anyone can use to train or rehabilitate a dog . why would any logical person think this is OK. We don't expect to use one method only to teach all the children in the world how to read, or count, or do maths? Training dogs is no different. So if there is only one method available and it doesn't work for that dog...what next? What are the options? There would be none but euthanasia for that dog. Is this really the outcomes the government is after? Professional dog trainer who could otherwise help a family work with their dog would be left no option but to tell them ‘sorry I can't help you as I am not allowed access to the required tools’.

### c) Social and environmental impacts

Should this proposed amendment be passed I have serious concerns on how this will impact public safety in terms of safe management of dogs in the community. Due to the COVID pandemic there are more dogs than ever before living in our homes and being walked/socialized out in public places. I see on a daily basis, many badly behaved dogs. Dogs that bark/growl and lunge aggressively at my Gary while we are out trying to enjoy a relaxing walk. Lucky for me, I have engaged the services of a professional trainer for the last 15 years and have the skills and tools I need to ensure that Gary does not return fire. Tell me, when the behaviour of those dogs escalates to the point that the owner cannot control them at all, where do they go for help if there are no professional dog training services available that can offer the solution required?

The dogs that need this type of training and the training tools such as prong collars to be able to function well in will be locked up in their owners backyards, likely never to be let out again. They'll never be taken for a walk or be able to accompany the family on a camping trip. This will end with a lot of very frustrated dogs, desperate to escape, increased nuisance barking driving neighbours insane, and frustrated owners who will likely choose to surrender their dog as they have not effective options to improve the dogs behaviour.

#### **Point 3:**

Conclusions drawn regarding restraint based tools (like the prong collar) have been made based on pure emotions, no personal experience or understanding, unsubstantiated research and no consultation with key stakeholders.

I have > 15 years experience training dogs with a prong collar (with a professional trainer) and had I not been allowed to do this my Dave would likely have been put to sleep at a very young age

I refer to page 25 of the bill, which states:

*“Imposing restrictions on the use of prong collars and other devices is justified as they are considered to be inappropriate as a training aid because they cause pain and fear in dogs which is used as a punishment. Research has shown that using aversive training methods including the use of prong collars can cause pain and distress and can compromise the dog’s welfare”*

I would request a more comprehensive review of tools be considered prior to drawing such conclusions, as the above statement demonstrates a lack of understanding of behavioural science and the means in which training tools are most commonly used as a means of Negative Reinforcement (guiding the dog towards the correct behaviour), not Punishment.

Adequate consultation with key stakeholders, including but not limited to:

- Members of the Queensland Government currently utilising these training tools, including Police and Military units
- Certified Animal Training Professionals, working to improve standards of pet ownership and care, community safety and education around responsible pet training and ownership
- Animal Welfare Organisations
- Members of the public who own pets or have pet dogs living in their community

Would generate a more comprehensive understanding of the use of training tools in behavioural modification and the betterment of animal welfare.

I refer to page 3 of the bill, which states:

*Prohibiting inhumane practices*

*The Bill amends the ACPA and introduces new offences which will prohibit the inhumane practice of:*

- *possessing or using a prong collar, which is designed to bruise or pierce an animal's skin, or another prescribed restraint on an animal*

The above statement is factually incorrect – the tool is not **designed** to bruise or pierce an animal's skin. I refer further to page 25 of the bill, which states:

*If used incorrectly, prong collars can also cause physical injuries, such as bruising, scratching, and punctures to the skin of the dog. Over time, this can lead to scar tissue developing on the dog. In extreme but rare cases, prong collars have been associated with spinal cord injuries and other severe injuries.*

This refers specifically to the **incorrect** use of the prong collar. It is reasonable to state that incorrect use of **any** tool (for example a leash, flat collar or harness) has the potential to cause injury. It is also reasonable to state that **correct** use of the prong collar does not cause injury to the dog.

I have personally used a prong collar (following the guidance of a professional trainer) for 14 years with Dave and now almost 1 years with Gary. Both dogs were always very happy and excited for me to fit their collars and loved walking in them. In all that time I have never observed any bruising or discomfort to the dogs, nor was there any punctures to the skin, not even an irritation. Prior to finding my professional dog trainer (back in 2007) I tried using a halti collar (gentle leader) with Dave. This was advised to me by my local dog club and they are commonly available in pet stores. At the time Dave was pulling so hard on the lead he was causing me serious shoulder pain/injury. It wasn't long before I realized this collar was causing Dave to have a constant eye infection. He was still pulling so hard on the lead he would pull the collar up and squash his eye. This collar had zero effect on his behaviour. My local dog club had no solution for me. They don't have the training or knowledge to deal with such issues. And no one has a problem with these collars because they have a nice name....a gentle leader...so it must be good??? I then had one lesson with my professional trainer (that's all it took) with the prong collar and Dave was a changed dog. He was happy and relaxed and walked nicely on the lead. We could finally enjoy our time out together. He stopped pulling. He never got any corrections from me, he was in charge of making the decisions and he chose to walk beside me. He chose not to try to chase the seagulls and could walk past other dogs without lunging aggressively at them. Other people would laugh at me when I told them he was dog aggressive as he was so relaxed around other dogs. But I knew if I didn't have the prong collar on him he could make bad decisions that would likely not end well for the other dog (or Dave). Without being able to find a trainer who could offer me the solution I needed with the prong collar I have no doubt Dave

would have been put to sleep at 12 mths of age. But because I was able to do this he got to live a very happy life to the ripe old age of just over 15 years old.

I have no issue with there being a requirement for anyone wanting to use a prong collar to be trained first by a professional. This makes logical sense and I welcome this. As stated above, any tool can be used to harm a dog if in the wrong hands or used incorrectly, including a flat buckle collar and leash that every dog owner would own. To remove access to training tools such as prong collars entirely will only result in thousands and thousands of dogs being put to sleep each year for behavioural issues that could have been easily solved.

Additionally it is of great concern to myself that, as per the wording of the bill above, the use of potentially **any and all** restraint based tools is considered to be inhumane. I am especially concerned by this wording given key stakeholders and members of the community have not been given room to provide feedback on this.

My understanding is that an individual can currently be convicted of animal cruelty for the misuse of any training tool. I would request that current and historical data on such convictions be cited and included in the consideration of amendments to regulation.

Based on the above, I would request that amendments to the use / availability / legality of tools not be considered as part of the proposed amendments to the Act, until such time as best practice process has been followed and the wider community and key stakeholders consulted on the proposed changes.

Yours sincerely

Nicole Hansbro (and Gary)