

Inquiry into the Animal Care and Protection Amendment Bill 2022

Submission No: 16
Submitted by: Lee Baker
Publication: Make my submission public
Attachments: See attachment
Submitter Comments:

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

18th May 2022.
Lee Vincent Baker

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.

Introduction

My name is Lee Baker, I am the owner of a large breed dog and we as a team have attended dog training classes that were run by an accredited National Dog Trainers Federation trainer.

The trainer's business is called "That Dog School", which services the Gold Coast and Logan community with private training for behaviour modification and group classes for dog owners and dogs.

I have attended multiple training courses with my dog, run by "That Dog School" and have found them to be extremely competent and capable in the training of my dog and myself.

Submission

I am strongly against the proposed amendments to the Animal Care and Protection Act 2001 (detailed below).

There are 3 major points that I wish to cover in my submission.

- 1. The government has not followed its own best practice guide for the amendment of legislation. As a result, key stakeholders and the wider community have not been afforded the opportunity to be consulted on the proposed amendments to the Act.*
- 2. Lack of community consultation means the impacts on the community have not been adequately assessed.*
- 3. Conclusions drawn regarding restraint-based tools, specifically the prong collar, have been made based on unsubstantiated research and without consultation of key stakeholders.*

Submission on proposed amendments to the *Animal Care and Protection Act 2001***1. Government not following the guide for the amendment of legislation**

The government has not followed its own best practice guide for the amendment of legislation. As a result, key stakeholders and the wider community have not been afforded the opportunity to be consulted on the proposed amendments to the Act. *The Queensland Government Guide to Better Regulation May 2019 states that:*

The COAG Best Practice Principles for Regulation Making include:

- *Consulting effectively with affected stakeholders at all stages of the regulatory cycle*
- *Ensuring that government action is effective and proportional to the issue being addressed*
- *Considering a range of feasible policy options including self-regulatory, co-regulatory and nonregulatory approach*
- *Adopting the option that generates the greatest net benefit for the community*

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 only 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.

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

These last 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 you 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 23rd 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 21st May 2021**.

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

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 that the following has been stated in the bill (I refer to page 18), given ***adequate community consultation has not been completed:***

2. Lack of Genuine Community Consultation means the impacts on the community have not been adequately assessed.

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:

As an interested party, I believe that the process that was undertaken by the Queensland Government in developing the proposed amendments to the Animal Care and Protection Act 2001, did not allow an adequate or thorough consultation process to be carried out as stated previously.

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 ***page 37 of the report***, section titled “Relevant E-Petitions” acknowledges 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 the first three of these petitions

- *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)*

Had been included as part of the initial discussion paper; as such, stakeholders and the community were provided the opportunity to give feedback on these matters.

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

However there remains three relevant e-petitions (listed below), 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 LAST three petitions were made, 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.

The last three petitions listed above closed on 23rd 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 21st May 2021.

I am asking that key community stakeholders' and interested parties' concerns are addressed. Specifically, I ask that you vote against these amendments until a proper and thorough community consultation has been conducted.

I leave you with an excerpt from section 1.2 of Queensland Government Guide to Better Regulation;

“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.”

Considering the potential impacts have not even been considered, I do not believe 'best practice' has been followed.

3. Conclusions drawn regarding restraint-based tools, specifically the prong collar, have been made based on unsubstantiated research and without meaningful consultation of key stakeholders.

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.

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

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.

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.

It is my belief that by not conducting a thorough consultation with key community stakeholders and interested parties, that the concerns of blanket tool bans and possible repercussions have not been considered.

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

In my particular case my dog “**BAILEY**” is a 12-month-old Newfoundland puppy (currently 65Kgs and still growing).

While she is not a dangerous or aggressive breed of dog. Compared to people or other breeds of dog she is of a substantial size and strength (a gentle giant).

The amendments detailed in Division 5, Section 37A, Subsection (1) of the act, directly impacts the behaviour modification training work I do within BAILEY’S reactivity training (including the use of a “PRONG or MARTINGALE Collars) used properly to assist in controlling her reaction (without injury) to external stimulation (e.g., Loud sudden noises and or aggressive untrained / unrestrained dogs in the community) that results to her wanting to run away from the stimulation. Without the use of such training aids, I am at risk of physical injury, while trying to control her if she were only wearing a simple buckle collar and leash, during her skittish reactions to such stimulation.

Prior to being introduced to, and being trained in the appropriate use of a PRONG collar by our trainer, BAILEY had managed to pull me completely over a number of times (luckily not resulting in any injury). But this was a great concern to me as I had a Liver Transplant in September 2021 and I am at high risk of internal injuries from such falls.

I am concerned that the proposed legislation would outlaw the ownership and or use of such aids for reasonable control of these large animals without injury to them, the handlers and or the general public.

These aids are also required for control of other legally owned more aggressive animals such as Police, Civil Guard and Military dogs.



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

Based on the above, I would request that amendments to the use / availability / legality of these training aids not be considered as part of the proposed amendments to the Act, until such time as best practice process is followed and the community is consulted on the proposed changes considering the potential impacts have not even been considered, I do not believe 'best practice' has been followed.

1. *Follow the COAG Best Practice Principles for Regulation Making include:*
 - Consulting effectively with affected stakeholders at all stages of the regulatory cycle
 - Ensuring that government action is effective and proportional to the issue being addressed
 - Considering a range of feasible policy options including self-regulatory, co-regulatory and nonregulatory approach
 - Adopting the option that generates the greatest net benefit for the community

2. *Reopen public consultation on the following three previous petitions.*
 - 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)

3. Thorough consultation with key community stakeholders and interested parties, that the concerns of blanket tool bans and possible repercussions have not been considered

Thank you for taking the time to read this proposal.

Yours Sincerely
Lee Baker