

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

**Submission No:** 24  
**Submitted by:** [REDACTED]  
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**Submitter Comments:**

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[REDACTED]  
[REDACTED]  
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E: [REDACTED]  
M: [REDACTED]

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 [REDACTED], I am a Certified Professional Dog Trainer and Certified in Applied Canine Ethology. I also hold a Diploma in Canine Psychology and Behaviour as well as number of other qualifications, including, but not limited to; Certificate in Dog Emotion and Cognition from Duke University; Certificate in Animal Welfare and Behaviour from University of Edinburgh; Certificate in Synapses, Neurons and Brains from The Hebrew University of Jerusalem*

*I have been working with dogs since the mid 80's, initially part time and this includes a number of years volunteering as an instructor at the Canine Obedience Club of Townsville.*

*I have also competed with my own dogs in in Tracking where we search for and locate people in the bush.*

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

- a) 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:

- 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

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**Evidence that the government has not followed it's 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"*.

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**b) Lack of 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:

**Business Impacts**

I will not be able to service the community as well as present due to no longer being able to utilise one or more tools which may prove helpful when dealing with dogs with serious behaviour issues or high-drive dogs in general.

This will limit the range of services I offer which includes behaviour modification work, including, but not limited to dog-dog aggression, dog-human aggression, including dogs for which alternative training methodologies have failed.

**Competition Impacts**

This will also impact the dog training industry in a negative manner as it will be limiting options available to consumers via targeting of select training methodologies, regardless of it being suitable for a particular animal or not. All dogs are different, there is no "one size fits all" when it comes to dog training.

**Social and environmental impacts**

This will no doubt have a serious impact on the welfare of dogs especially those owned by elderly and people with physical limitations and ailments including disabled people as they will no longer be able to safely exercise their dogs in public.

I have a number of both elderly clients as well as clients with such physical limitations which in many cases have been caused by decades of service in the armed forces.

I have seen an increase in the number of clients fitting the above categories who all have high drive dogs such as Working Line German Shepherds, Malinois, both of which are incidentally, the very same breeds use by police and military services, as well as Rottweilers, Mastiffs and so on.

There is a distinct correlation between the uptake of these kinds of dogs, as well as other large breeds, and the current crime situation here in Townsville as more and more people are getting these kinds of dogs for protection.

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It is important to understand that a tool such as the prong collar, is very rarely used as a "punishment device". All training includes a large component of positive reinforcement, teaching the animal skills such as "loose leash walking", "controlled heeling" etc, where the aim is to have absolutely no pressure on the leash whatsoever.

However, all dogs have a degree of prey drive which is activated by movement and triggers can include, but is not limited to pushbikes, scooters, cars, cats, possums, wallabies and so on, and in some dogs, this drive is extremely high and can be very difficult to contain.

These behaviours are not something we can change, modify and control with only positive reinforcement as these kinds of behaviours are self-rewarding for the dog. We are talking genetics here.

Drives, such as prey drive and the predatory sequence which is

*See →Stalk →Chase →Catch →Bite →Kill →Consume*

Is exactly the behaviours which we use in Border Collies, Kelpies, Cattle Dogs etc, however, the predatory sequence is modified through selective breeding to prevent the animal from actually killing the livestock it is tasked with herding.

In addition to the above, I also get a large number of clients who has adopted young dogs from a shelter, being told that this dog is a medium sized dog with no issues.

One of my elderly clients were told exactly that, however the dog, being a Dobermann/Labrador/Bull Terrier mix, turned into a very large dog with serious prey drive, rendering her incapable of walking this dog in public, here the prong collar proved to be just the right tool.

The above is not an isolated case, I have an increasingly large number of similar cases on my books.

Tools like the prong collar can also be used to stop seriously dangerous behaviours where the danger can result of serious injury or death to the dog itself, other animals or humans.

E.g. a working line Border Collie with extremely high prey drive and misdirected herding drive, lunging at cars driving past and so on, an effective, well timed and appropriate level of correction with a prong collar stopped that behaviour and reduced the arousal to the point where learning could take place. Happy to say this dog is now at the stage where a prong collar is no longer needed.

It also proved it's worth when working with a male Golden Retriever, which lunged at the throat of the youngest child in the family.

I am pleased to say we turned this dog around, and him and the family are all doing well and the prong collar is no longer needed.

There is no doubt in my mind that without having access to this tool, having a better than average understanding of animal behaviour, knowing how to use the tool in an effective and efficient manner, this dog would not be alive today.

Let me also highlight that a number of the restraint-based tools covered in the proposed ban, are tools commonly used by Police, Corrective Services, Military namely prong collars, Veterinarians and their staff, Council employees, animal shelters and even the RSCPA inspectors, namely slip-collars/leashes in order to protect themselves.

We will also no doubt see more and more dogs being medicated as a result of this ban as well as an increase in dogs being euthanized for behavioural reasons.

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**c) Conclusions drawn regarding restraint-based tools, specifically the prong collar, have been made based on unsubstantiated research and without 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. Adequate consultation with key stakeholders, including but not limited to:

- Members of the Queensland Government currently utilising these training tools, including Police, Corrective Services 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.*

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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.

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 is followed and the community is consulted on the proposed changes.

In addition to the above, as we all have the animal's best interest and welfare at heart, an alternative to banning a tool such as the prong collar, could be to have this tool only available to clients of professional dog trainers, requiring proper training and education of the handler to provide the handler(s) with a clear understanding of how to use this, and any other tools for that matter, in a humane manner.

**Let me also state that banning any tool will not stop, reduce nor prevent animal abuse as it is not the tool causing the abuse, the human at the other end of the leash and serious injury can be caused by just a rope for that matter.**

Yours sincerely

  
