

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

**Submission No:** 29  
**Submitted by:** [REDACTED]  
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**Attachments:** See attachment  
**Submitter Comments:**

18<sup>th</sup> May 2022

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 with the National Dog Trainers Federation of Australia. I have been an active trainer and member of the Australian Dog Community since 2003. I own Unleashed Dog Behavioural Training on the Sunshine Coast in Queensland, my business employs myself as well as two other trainers working predominantly in the area of behaviour modification. We also teach group classes and work with developing puppies to prevent behaviour problems into the future. We run a variety of workshops with a focus on individual skills as well as Kid & Dog safety programs. A smaller arm of the business has a focus on 'dog sport for pet dogs' teaching and encouraging the average pet dog owner to participate in sports which will give biological fulfilment to their dogs and create a better relationship with their dog. This to aids in preventing many problem behaviours we often see on a daily basis within the family home. I am also a member of the International Association of Canine Professionals and have a Certificate IV from the Delta Institute.

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

There are three major points that I strongly object to

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.

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

- 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

**Evidence that the government has not followed it's own best practice guidelines:**

I refer to the 'REVIEW OF THE ANIMAL CARE AND PROTECTIONS 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 involved 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 (Petitions 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 (2021)*, as details in the Outcomes Report, was 21<sup>st</sup> May 2021.

With reference to the *"Animal Care and Protections 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"*

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 proportionate 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**

A large portion of the business I currently run and own is provided to the community to assist with problem behaviours within pet dogs. This can range from jumping up, to over excitement, aggression towards people, dogs and other animals as well as a range of other behaviours which are undesirable within the family environment.

My business aims to provide a fair approach to both dogs and owners both physically, practically, and financially when solving behavioural issues, by limiting availability of tools and methods this will limit the quadrants of learning theory which are able to be used fairly with dogs as well as significantly increase the time required and also the outcomes achievable. Often times limiting the ability to use some of the learning theory quadrants will lead to euthanasia simply due to a persons inability to understand other methods and tools available or to put human emotions above preserving a life.

I do not feel offering a service based on only a small portion of science based learning theory is effective, efficient nor ethical. This will likely mean the removal of behaviour modification from my services, I am not willing to be limited in methods used when I am well educated in methods known to be more effective, efficient and ethical.

#### **Competition Impacts**

The wider dog training community will be impacted in many ways. By limiting the use of tools in our industry all trainers will be limited to the use of only one quadrant of scientifically researched and proven learning theory, this being Positive Reinforcement. It has been well documented that behaviour can indeed be learnt using this quadrant, however it will never be able to stop undesired behaviours or communicate to another species behaviours which can have negative outcomes or are undesirable. It also limits the dog training industry to limiting consumers to only being targeted by select training methodologies, of which may not be suitable for them or their dog. A very well used quote within the industry is ‘train the dog in front of you’, these animals are living breathing, cognitive creatures. There is no one size fits all methodology, however this is what banning of tools will attempt to create.

### Social and environmental impacts

The restriction on available tools will significantly increase the risk some dogs pose to their owners, other animals and the general public. Many of the dogs I work with are unsafe in their current state to be within the general public without the use of these tools. What likely (and often is the case prior to me working with these dogs) happens is the dogs are kept within the confines of a private property. This causes lack of physical and mental exercise as well as biological fulfilment, all of which builds to a pent up underestimated dog which will often find other behaviours to use this energy. These behaviours again are often not only undesirable but unsafe for them. The welfare concern of having a dog not receive adequate exercise or biological fulfilment is one of far greater concern than that of using tools which will give these dogs those freedoms. As pet ownership increases so does the incidents of dog attacks on both humans, livestock and other dogs, it makes no sense to remove the tools which can turn these statistics around with a good education campaign to the general public.

Rather than pandering to the general uneducated bias of the public on the look of a tool, providing accurate scientific data on the workings and use of the tool with practical demonstration would build knowledge and understanding around the design and use of such methods and tools. Removing emotion and inserting evidence based arguments are key.

3. Conclusions drawn regarding the restraint based tools, specifically the prong collar, have been made based on unsubstantiated research without the 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 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 state:

*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 animals skin or another prescribed restraint on an animal*

The above statement is factually incorrect – the tool is not **designed** to bruise or pierce an animals 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. From my professional experience I have never seen an injury caused by the correct use of a prong collar, I have however personally witnessed dog's hung and died from flat collars and leashes. Again, this points the finger at education rather than bans. Prong collars are often used in place of other alternatives as seeing a dog pull continuously on a flat collar or other devices often results in collapsed tracheas, this in turn causes the dog to suffer breathing difficulties. Used correctly prong collars are in fact very gentle tools.

Additionally, it is of great concern to myself that, as per the working 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.

Yours Sincerely

