

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

Submission No:

37

Submitted by:

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Make my submission public but keep my name confidential

Attachments:

See attachment

Submitter Comments:

19/5/2022

[REDACTED]  
[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 professional dog trainer running my own business ([REDACTED]) in Brisbane specialising in rehabilitating reactive and aggressive dogs. I also compete in Dog Obedience competitions, am a licensed Obedience Judge with the ANKC and breed pure bred Border Collies under the kennel name Lifesong. I have been involved in dog training as a hobby for 25 years and been working as a dog trainer in a professional capacity for 5 years.

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

I do not believe that the proposed amendments to the use and possession of Prong Collars in particular is in the best interests of animal welfare. I request that this amendment be removed from the Act immediately for the following reasons.

**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

**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 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. 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"*

- B) Lack of community consultation means the impacts on the community have not been adequately assessed. Having spoken with many dog trainers and owners of dogs who have used a Prong collar both effectively and humanely I do not believe that proper consultation has taken place. Not one dog trainer that I know of has been consulted about this proposed change in legislation. Not one dog owner that I have worked with or know who uses or has used a prong collar was aware of any community consultation on the matter.**

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** As a business owner who specialises in difficult, reactive and aggressive dogs the use of prong collars is common and often necessary. I work with dogs that other trainers have been unable to help and I help these dogs become safe, controllable and have more freedom and better lives as a result of this tool.

Just 2 weeks ago I had a 50kg dog come to me for training help. He has become very reactive towards dogs and people – barking and lunging at them. His behaviour has become so bad that his owners were no longer confident in taking him for walks. He was spending his entire life trapped in a backyard with no exercise or the ability to see new things, sniff stuff and get daily exercise. They had tried a face halter which made the dog very depressed – he refused to move while wearing it, they tried harnesses and found that he was able to drag them better on this. I fitted him with a prong collar and we were able to take him for a walk in public for the first time in months! He is now going for a daily walk on the street, is able to be around people and other dogs and be safe and his owners are confident in their ability to handle him. He rarely needs a correction from the collar at the moment and when he does it's a gentle tug that he responds to very quickly. He earns lots of food rewards and positive reinforcement during the training sessions and is visible happier and more confident in himself. This type of change is not possible in this time frame without the use of an effective and efficient tool like the prong collar!

**Competition Impacts** I am confident in my ability to train dogs and I believe that regardless of what bans there are in place I will still be able to rehabilitate even difficult dogs. The problem arises when owners are unwilling to put in the work. A tool like a prong collar gives the owner control quickly, gives the dog relevant and effective feedback immediately and it requires very little training for the owner to master. Training dogs with extreme behaviours like leash pulling, reactivity and aggression without a prong collar will result in longer training programs, more lessons required, better skills for the owner and unfortunately that will make dog training too difficult or too expensive for many dog owners. More dogs will be euthanised or surrendered due to the banning of effective tools like the prong collar.

**Social and environmental impacts** I question how dog owners are to have their dogs under effective control in public when the government is attempting to ban tools that provide control and safe handling for dogs. I invite you minister and members of the committee to come and try to walk some of the dogs that I deal with. Working a 50 or 70kg dog with a long history of leash pulling and or reactivity is scary and dangerous for all involved. Tools like the prong collar make dogs like these safe and able to be taken for walks. Banning tools like the prong collar or other restraint devices (as noted in the proposed changes) will cause more dogs to be surrendered as they are uncontrollable or euthanised as they are untrainable. More dogs will be not under effective control and we will see more dog attacks and more dog bites due to the banning of effective training tools such as the prong collar.

**C) The conclusion drawn about what a prong collar does and can do appears to have been based on hearsay and unsubstantiated research. There does not appear to have been any research conducted into the claims that this tool can cause injuries and any of the other claims made by the government**

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

This 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 yet to see a single research paper on the matter and have never seen any injury worse than a skin graze (which can happen on any collar/head halter/muzzle, harness) on any dog wearing a prong collar.

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.

I request that this amendment be removed from the proposed legislation and proper consultation be undertaken if and when this is reassessed at a later date. The government has clearly demonstrated a lack of consideration and has not followed proper process in the decision to sneak this change into the ACPA. As a result of this rushed and uneducated approach the government cannot in good conscience continue to push this change without following proper channels.

Until actual research is conducted, facts properly assessed and a full community consultation (with key stakeholders such as dog trainers, law enforcement and dog owners who actually have experience with these tools) takes place this amendment should be sidelined and removed entirely from the changes to the ACPA.

Yours Sincerely,

