

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

**Submission No:** 43  
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**Attachments:** See attachment  
**Submitter Comments:**

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.

I have worked for many years as an animal wrangler working with dogs and cats in the film and tv industry. I manage the welfare of the animals on set as well as train and help present them for the various roles that they play. My absolute priority is to make sure all the animals under my care are safe and comfortable when they are on set and with me.

I have also been heavily involved in training my own dogs in obedience through a dog club since 2009. I do not compete but my old dog was trained to the top level in the club and he graduated from that. He was a top citizen, who I could take absolutely anywhere and do anything with. I could trust him implicitly. He worked in feature films, tv commercials and in photo shoots. He is no longer with me and I am completely devastated at his passing.

In a previous life I was a teacher of young children. I would describe myself as being a very sensitive, kind person, to all beings. Over the years I have acquired a deep understanding of how dogs learn, through my own personal research and through training at the club.

What I do know, without a doubt is that you train the 'dog that is in front of you' and that they can be very different for what ever reasons. One size does not fit all.

My young dog has been very different from my famous boy. He was starting to develop some difficult behaviours around eight months when we were out and about, even though as a youngster he was well socialised. He was great at home. I'm very aware of the adolescent periods and fear periods when their behaviour can change. This was not that, I tried absolutely everything I knew. Unfortunately, his behaviour was ramping up, he is about 40 kilos and I'm 58 kilos, and in someone else's hands he is the sort of dog who might end up being left at home and in the backyard with no life at all, rehoused or worse surrendered. I would never allow that.

As a last resort I tried a prong collar on him, I had never used one before and never considered I would need too. But, I was running out of options. Of course I understand that without being properly informed and using sensational photos, that these things can look horrible. It is actually a gentle tool when used correctly.

I had a balanced trainer show me how to fit one properly so that it causes absolutely NO damage to the dogs oesophagus and how to use it. It is a pressure and release tool. The dog responded so well to it. He did not 'shut down', on the contrary. I could continue with his training out and about, on the occasions he became mildly reactive he quickly corrected himself. Once the focus came back to me (which is exactly what you want) I could then reward him for his good behaviour, rather than just trying to manage his unwanted behaviour.

I am really pleased to say that I am now able to move away from this tool (under most circumstances) because he is becoming a good citizen. He does not lunge, stalk or bark at other dogs and he does not lunge at bush turkeys. He walks calmly and happily by my side, he is not straining against whatever collar I have on him, he is really getting there. He will never be the dog my other dog was but he will be a good citizen and have a good life.

It doesn't take much for dogs in our society to put a foot out of line and end up on a one way street to euthanasia.

I firmly believe that removing the prong collar as an option for people when it's necessary to use one, will not be a good thing. For me it was a godsend and got the dog and I through a difficult period successfully.

Therefore :-

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 non regulatory 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 23rd 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 21st 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

If this will impact the way you run a business (may not be relevant)

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

How this will affect the wider dog training community if training options are limited

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

How this will impact public safety in terms of safe management of dogs in the community. How this will impact members of the community who are unable to provide adequate mental and physical fulfilment for their dog without said safe equipment, which is a welfare concern.

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 pent up the energy within the 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 tother 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 anytool (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.

Insert personal experience

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

A small black square redacting the signature of the author.