

Inquiry into the Animal Care and Protection Amendment Bill 2022

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Dog Training Queensland

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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.

Dog Training Queensland (DTQ) was established by National Dog Trainers Federation Nationally Accredited dog trainers Kirsty Reid and Brittany Young, based on the Sunshine Coast and Gold Coast respectively. We each work full time as professional dog trainers, and between us run four successful dog training businesses. We came together to collaborate as DTQ following the massive response from the dog training community (trainers and pet owners inclusive), when the Queensland Premier posted on social media on 8th May that prong collars would be banned. We identified a need to support our community in how best to have their voices heard on this matter, and to keep them informed on the proposed amendments to the *Animal Protection and Care Act 2001* (APCA).

We have aimed to guide and support our community by preparing resources to help people prepare and lodge submissions with your committee. These were distributed via a mailing list of email contacts we received from our community, our professional social media channels, and the range of professional and community-based social media training groups we are members of. This includes “The Balanced Symposium”, a 1,500+ strong network of Nationally Accredited (via NDTF) dog trainers across Australia.

We worked alongside the Professional Dog Trainers Australia group to lodge the change.org petition (detailed below). We have also actively pursued lines of inquiry with both the Department of Agriculture and Fisheries (DAF) and RSPCA on this matter (detailed below).

DTQ are strongly against the proposed amendments to the *Animal Care and Protection Act 2001*, specifically pertaining to Division 5. The Queensland 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. This lack of community consultation means the impacts of such amendments on the community, both economically and socially have not been adequately assessed. In conjunction with this, the conclusions that have been drawn regarding restraint based tools, specifically the prong collar, have been made based on unsubstantiated research and without consultation of key stakeholders.

We have detailed below the key reasons for our 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.**

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

We 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.

We 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. We 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 DTQ that the following has been stated in the bill (we 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”

We bring to the committee’s attention, a petition currently live on www.change.org, titled *“Amendments to the APCA be halted until proper key stake holder consultation has occurred”*. This petition has attracted over 3000 signatures within its first 24 hours of being live, this number is continuing to rise. This demonstrates a real desire from the community for genuine community and key stakeholder consultation on this issue.

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:

Business Impacts

Lack of access to restraint based tools will directly affect the behaviour modification work, and therefore service outcomes, that the businesses of the DTQ members will be able to provide to clients. This can be extrapolated to impact all dog trainers currently utilising tools in training, which will cause significant professional and financial hardship to a community of small business owners.

Competition Impacts

The dog training industry is comprised of training professionals with differing methodologies. It is important to note that **all** dog training professionals make use of Positive Reinforcement in their training methodology. Differences pertain to the inclusion, or exclusion, of the following in their training methodology:

- Negative Reinforcement
- Punishment

Currently, persons seeking a dog trainer have a wide range of options with whom to consult, and then make an informed choice. Limiting access to training tools will close the market to all but one type of training methodology (Positive Reinforcement only), which drastically limits consumer choice.

Social and environmental impacts

Prohibiting access to training tools will impact on dog owners who rely on these tools to safely manage their dogs in the community. Aside from the inherent risk this presents in terms of dog to dog incidents and dog to human incidents, there is also a welfare concern here. Dogs who are unable to be managed safely in public and as such cannot be taken out of the home, will as a result not be in receipt of the mental and physical fulfilment required for their health and mental wellbeing. This will in turn generate behaviour problems which will now be experienced in the home environment, ultimately leading to an increase in owner surrenders and behavioural

euthanasia. The inability to take their dog out of their home, will likely lead to community members getting out into their community with less regularity.

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.

We 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”

DTQ request a more comprehensive review of training 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.

We 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. We 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.

As professional dog trainers with a combined 11 years of experience, we have worked with many thousands of clients to help them live their best lives with their dogs. We pride ourselves on not only our tailored, professional approach, but also on having the welfare of our clients and their dogs front of mind at all times.

We both use prong collars (along with a wide range of other training tools) with our own personal dogs, and have used them with numerous clients to great success. The primary application of the prong collar is as a tool of Negative Reinforcement. Put simply, Negative Reinforcement means applying and relieving pressure, in order to guide the dog into the correct behaviour. For example, when you forget to release the handbrake in your car and it beeps at you, you release the handbrake to stop the beeping noise. In this example, the beeping is the Negative Reinforcement (pressure) which has guided you into the correct behaviour. When combined with Positive Reinforcement (receipt of something appetitive, like food or a toy), Negative Reinforcement facilitates clear and powerful learning outcomes for dogs as to which behaviour is correct.

Dog training is not a one size fits all approach. Not all dogs, in all contexts, can respond to just the provision of Positive Reinforcement alone. Dogs who are highly motivated elsewhere (for example car chasing, a common behaviour problem which pops up in herding breeds) are extremely unlikely to cease this behaviour based purely on the provision of a Positive Reinforcement reward. Behavioural science tells us that behaviour cannot be stopped with Reinforcement, only created. Negative Reinforcement allows us to guide the dog into the correct behaviour. In this car chasing example, the use of a restraint-based tool such as the prong collar gives us the ability to guide the dog away from the wrong behaviour (car chasing) using clear tactile feedback, and into the correct behaviour (eg. sit, walk on a loose leash, focus on the handler).

The prong collar provides incredibly clear and precise tactile feedback. Due to its design, the level of pressure required is minimal in comparison to other training tools. Also as a result of design, the applied pressure is distributed back and around the dog's neck, over a larger surface area and away from the trachea, placing it as far safer than many other alternative tools.

The prong collar is also a very effective option for owners of dogs where there is a significant weight or strength disparity between human and dog. The requisite level of pressure required for the application of Negative Reinforcement is minimal, meaning the level of physicality required from the owner to safely handle their dog is negligible.

The prong collar is not the go-to tool for every dog-human team. However, in our professional experience, we can say with confidence that not every tool (and we include food and toys as tools here) works with every dog. Not all dogs can be safely managed by their owner on a collar, or harness, or head halter, or respond clearly to pressure from these tools in all contexts or emotional states. Not every dog has a high level of desire for their food or toys, around competing motivation

(cars, dogs, people, other animals, smells, etc). Dogs rely on clear and consistent feedback for their learning. Essentially, there are many variables to consider when training dogs and their owners. It is not one size fits all, and as such it is of immense benefit to have access to a wide range of tools, to assist as many people and dogs as possible.

A fundamental component of our role is owner education. This is of the utmost importance when it comes to the appropriate use of training tools. We are gravely concerned that prohibition of training tools will lead to dog owners still pursuing said tools to use on their dogs, but doing so covertly ie. without the guidance of a trained professional. This has implications for dog welfare, dog and human safety, and community safety generally.

Additionally it is of great concern to DTQ that, as per the wording of the bill above, the use of potentially **any and all** restraint based tools is considered to be inhumane. We are especially concerned by this wording given key stakeholders and members of the community have not been given room to provide feedback on this - by whom are the tools considered to be inhumane?

DTQ understand that an individual or group can currently be convicted of animal cruelty for the misuse of any training tool. In an effort to understand why the prong collar (and potentially further restraint-based tools) can be defined as "inhumane" in the Bill, we have contacted the RSPCA, DAF and the RTI team requesting data on the following:

Pertaining to: convictions for cruelty to animals under the Animal Protection and Care Act (2001) across the entire state of Queensland

Time period: convictions during the period 2015-2021 (inclusive)

Specifically:

- convictions involving dogs only*
- statistics on "reason for conviction"*
- where "reason for conviction" involves use/misuse of training equipment, information on what item/s of equipment were used*

Below is a timeline of our contact and information received:

- 12th May initial email to DAF requesting the above information via Freedom of Information Act (2009)
- 13th May response from DAF directing us to correct contact for RTI
- 13th May phone call to RSPCA requesting the above information - directed to submit our request in writing via email
- 13th May email request to RTI team
- 17th May phone response from RTI team advising to contact DAF to inquire if information can be released administratively, prior to pursuing RTI request
- 18th May email request made to DAF to inquire if information can be released administratively
- 18th May email request made to RSPCA for the above information

- 20th May email response received from DAF, as follows:

Dear Kirsty,

Thanks for contacting the Department of Agriculture and Fisheries (DAF) Customer Service Centre.

If you wish to make a request for information under the Right to Information Act 2009, you can find details of how to apply at www.rti.qld.gov.au including the application form and fees.

However, please note that this may not provide you with the information you are seeking. The RSPCA Qld is not subject to the RTI Act but conducts the vast majority of prosecutions under the Animal Care and Protection Act 2001.

DAF has conducted 15 prosecutions between 2015 and 2021 and have not involved 'training tools or equipment'. Most of DAF's prosecutions during that period have related to abattoirs and knackeries.

- 20th May email follow up to RSPCA again requesting the above information

We reference here again, the *The Queensland Government Guide to Better Regulation May 2019* states that:

"The COAG Best Practice Principles For Regulation Making include ensuring that government action is effective and proportional to the issue being addressed"

We have made every effort to obtain the above information, without which we are finding it challenging to understand how a complete ban of the prong collar (and potentially further training devices) is a proportional response.

Based on the above, DTQ 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.

We also request, if possible, a face to face meeting with your committee in order that we may discuss the above contained information in more detail. Our hope is to represent our community to engage with you in meaningful discussion about a way forward, which is amenable to all concerned stakeholders and the wider Queensland community.

Yours sincerely

Brittany Young and Kirsty Reid

Dog Training Queensland