

Inquiry into the Animal Care and Protection Amendment Bill 2022

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Linden Martin

The Mannered Mutt

[REDACTED]

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[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 Linden Martin and I am the owner/operator of The Mannered Mutt Dog Training Services. I have been an avid dog handler for many years initially competing in Breed Confirmation Shows, I then gained my Certificate II in Animal Care and Management at TAFE NSW. I then went on to work at a Grooming salon in Grafton NSW before moving to QLD and landing a position as a Practice Manager at a Vet Clinic. Whilst I was there I was exposed to the many issues dogs and their owners faced and my passion for dog training was born. I completed my Certificate III in Behaviour and Training through the National Dog Training Federation and began running training classes for dogs of all ages including puppies, whilst also conducting one on one private sessions. I also volunteered my time and skills as an instructor at the Canine Obedience Club in Townsville. I am also a member of Dogs NSW and Professional Dog Trainers of Australia. Most recently I have moved back to NSW and have begun running my own Business under the name The Mannered Mutt. I am strongly against the proposed amendments to the Animal Care and Protection Act 2001 (detailed below).

There are 3 major areas where I feel the government has been remiss. These include:

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.

Lack of community consultation means the impacts on the community have not been adequately assessed.

Conclusions drawn regarding restraint based tools, specifically the prong collar, have been made based on unsubstantiated research and without consultation of key stakeholders.

I will go into this and my reasoning in further detail 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:

Consulting effectively with affected stakeholders at all stages of the regulatory cycle

Ensuring that government action is effective and proportional to the issue being addressed

Considering a range of feasible policy options including self-regulatory, co-regulatory and non-regulatory approach

Adopting the option that generates the greatest net benefit for the community

Evidence that the government has not followed its 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 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

As a business owner where my goal is to provide clients with ways in which to best handle and maintain the safety of not only themselves and their animal but the broader community

as well, the banning of restraint tools including the prong collar and Choke Collar is extremely concerning.

Limiting the use of certain tools will not only limit my ability to help the dogs under my care but also limit the assistance I can provide the animals owners.

I myself have used prong collars on one of my dogs and found that when used correctly I was able to maintain much better control and able to communicate with my dog more effectively. More often than not the pressure that I used with the prong was significantly less than a standard collar or even the head halter.

Competition Impacts

Blanket banning certain tools only stands to harm the greater training community, by decreasing its ability to help the animals and people that come to us for assistance. It labels certain methodologies as “bad” or “wrong”, when in fact there is a lot of science and study behind the techniques applied. When used by someone trained and knowledgeable ALL tools have relevance and can be beneficial.

Social and environmental impacts

Currently there are many members of the community that need the prong collar to provide adequate and safe mental and physical fulfilment to their dogs. Removing this not only increases the risk to the community but also creates a welfare concern. The prong also enables people who are out-weighted or have issues with stability or grip strength to safely walk their dogs, removing this tool provides significant disadvantage in these cases. There are also concerns with our Police and Military Working Dogs being able to perform their jobs safely as they currently use prongs as a form of control when their dogs are in drive or a high state of arousal. If we look at Germany who recently underwent a similar process, they had to remove nearly 40% of their working dogs from service as they were no longer able to adequately restrain the dogs when they were working.

c) Conclusions drawn regarding restraint based tools, specifically the prong collar, have been made based on unsubstantiated research and without meaningful 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 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. As stated above I myself have used prong collars on several of my dogs and found that when used correctly I was able to maintain much better control and able to communicate with my dogs more effectively. More often than not, the pressure that I used with the prong was significantly less than a standard collar or even the head halter. This enabled me to safely walk a dog that was nearly half my weight and be able to provide this dog with enrichment and a more fulfilled life.

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.

Yours sincerely

Linden Martin