

Inquiry into the Animal Care and Protection Amendment Bill 2022

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From:



22nd May 2022

State Development and Regional Industries Committee

Dear Parliamentary Committee

RE: Submission on proposed amendments to the *Animal Care and Protection Act 2001*

My name is [REDACTED], I participate in group and individual training for my dog, Koda, through Mackay K9 training. I have had 3 dogs who I have taken responsibility to train from 1995 till now. These have included learning how to train my dogs through Toowoomba Dog obedience Club (1995-2007), Angel Paws training in Canberra (2008), and Magpies Dog obedience club in Mackay for both basic training and agility (2009-2012). Our current dog is still young, and is in the pre-process to hopefully being trained as a therapy dog (emotional support dog) for two of our children who have a dual disability (deaf-blind).

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

My Position on the matter:

- a) **The government has not allowed its own best practice guide for amendment of the current legislation.**

My understanding to the review for the Animal Welfare Practices, meant that key stakeholders such as veterinarians, professional animal trainers and those who have been professionally taught in 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 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.

On 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 the six petitions mentioned above, 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 opportunity to give feedback on these matters. The 3 relevant petitions are listed below:

- 1. Make suitable shelter mandatory for all farmed animals (Petition no. 3499-21)**
- 2. Tethering of dogs must be prohibited (Petition no. 3501-21)**
- 3. Continue the use of all methods, including dogs, to control feral pigs (Petition no. 3515-21).**

There are three other relevant e-petitions, for which there was no correlating subject matter in the initial discussion paper:

- 1. Ban the use of shock collars on dogs (Petition no. 3526-21)**
- 2. Illegal to import – Prohibit the use of prong collars in Queensland (Petition no. 3530-21)**
- 3. 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. 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.

I am concerned that the following has been stated in the bill (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."

Leads and restraints exist for many animals not just dogs. Such things on the market include cat leads, chicken harnesses, not to mention a horse wearing reins. The statement is quite ambiguous and allows for so many questions to be brought into play. There are tie up areas outside our local Woolworths with a water bowl so people can tie their dog up while they do a short grocery dash. Where does this guideline stop? Most responsible pet owners will hold their dogs on a lead and collar for vet checks and walks; a lot of us also crate our animals at night or during storms for their safety.

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

The “Queensland Government Guide to Better Regulation May 2019” stated 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”.

“New section 37A prohibits the possession of a prong collar or another restraint device prescribed by regulation, unless the person has a reasonable excuse” Page 14, of the reviewed bill.

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 evidence above shows). To quote from The Queensland Guide to Better Regulation May 2019, these include:

Business Impacts

There are several dog training businesses who work with owners to help with things from unwanted behaviour issues, to training therapy dogs (who must learn flat collar lead walking to pass) and not to mention animal welfare groups who with proper handling can save many a dog who just needs to be taught before weaning off such mentioned restraint devices.

For example, our current dog is an animal welfare rescue who was found riddled with hookworm, malnourished and has demonstrated that before she was rescued had received some form of physical abuse. She is part working dog, so learns quickly and has a very a sweet personality, which has made training her easier as she responds to patience and love. She has needed to be ‘worked’ with both restraint training and flat lead training to be under owner control – something that having worked with dog training businesses has meant being shown, taught and encouraged to use a variety of training tools from food rewards, clicker training, prong collar, and long line. Dogs like ours who have had a rough and

Competition Impacts

The wider community who participates in both showing, agility, flyball and tracking, may be impacted by limiting options available to consumers via targeting of select training methodologies. Having participated in agility competitions, having a dog restrained on a lead between the turn taking is essential for the well-being of my own animal and other people’s animals. As a member of community volunteer groups such as SES my husband and I have worked alongside tracking dogs who are also often under the control of a restraint when looking for missing persons or forensic evidence.

Social and environmental impacts

By restricting and limiting the restraint tools available for the safe management of dogs in the community, I believe many dogs will be more neglected as lack of control of an animal will mean less mental stimulation and possibly less exercise as the size of yards in new development areas are quite small. Walking a dog off a leash in suburban areas is currently discouraged and a dog

who might jump or become reactive towards children, bikes or other dogs is a danger to citizens if not under proper restraint or control. Many dog trainers and canine handlers, from emergency services, farm hands, and general trainers promote the safe use of a prong collar to encourage loose lead walking. Having had 3 dogs who have all pulled on a lead, and experimented with various tools including under arm harnesses, the halter harness, body harnesses and the classic metal choker, I have found the prong collar the least cruel and most effective at correcting pulling behaviour.

Lead walking in busy suburbia is essential as it promotes a dog who is under owner control, while stimulating the dogs need for sniffing and exercise, and can prevent reactive behaviour if used correctly. As a mum of 3 young children, training my dogs has been an essential and vital part of responsible pet ownership. I am wary of dogs who are not under owner control and have had my own animal attacked in public settings when she was on a lead under my control and other dogs were not. I have also trained two of my dogs to walk with our pram, where a dog who pulls can put both the person pushing the pram and the child in the pram at risk if the dog is not under control.

c) Conclusions drawn regarding restraint-based tools, specifically the prong collar, have been made based on unsubstantiated research and without 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 used as a means of Negative Reinforcement (guiding the dog towards the correct behaviour), no 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 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. My dog happens to like putting on a prong collar and walks beautifully when training on it. We often start our walks on the prong collar before changing to the flat collar. The prongs are rounded and not sharp, therefore they provide pressure that doesn't cause choking or bruise/pierce the dog's neck. 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 had a dog who would pull on a choker or flat collar till she threw up; an under-arm harness caused abrasions. For her the halter harness worked well without injury but it was a battle to put it on her making walk time stressful for both of us. The use of the prong collar on our current dog has meant enjoyable walking, loose lead walking and non reactivity towards other dogs.

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. As the granddaughter of a veterinarian, leads even on the farm were encouraged when the dogs were not working for the safety of the animals. In highly populated suburban areas, restraining a dog on a leash is for the upmost safety of the community in conjunction to the safety of the animal.

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.

SUBMISSION OF ACTION

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. It would be sad to see pet ownership and the use of service dogs diminish because of the wording of an act. As a mother of children who may require a guide dog in their 20's, I would hate to see such laws make it difficult for service animals or pet ownership in the future.

Yours sincerely

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