

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

**Submission No:** 52  
**Submitted by:** [REDACTED]  
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**Attachments:** See attachment  
**Submitter Comments:**

19/5/22

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 have been a member of the dog sports and training community for the past 50 years

- 1968 Royal Army Veterinary Corp dog Handler. (Security and Liaison)
- Vet nursed in Africa, UK and Australia. (1967 qualified VN in 1971)
- Completed National Dog Trainers Federation Certificate 2005
- Head trainer at a couple of Qld dog training clubs covering Obedience, Agility, Flyball, Tracking, Puppy School, and all behavioural problems (2000-2011)
- MDBA Award for best trainer 2010
- Member of Brisbane and Metro IGP clubs 2005-2020
- I have been running my own business for the last twenty-two years
- Teaching classes and one on one sessions, covering all behavioural and training problems in different sports
- Teaching Scent Work Classes for the last 3years
- I am currently participating with my three dogs in Scent Work trials and Herding
- I use my Malinois to help in rehabilitating aggressive or anxious dogs and I also use a friend's greyhound for this work

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

### **POINT A**

- 1) The government has not followed its 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 non-regulatory approach
  - d) Adopting the option that generates the greatest net benefit for the community
- 2) 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 it be noted 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 23<sup>rd</sup> 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 21<sup>st</sup> 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.***

3) 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”*

## **POINT B**

**The lack of genuine community consultation means the impacts on the community have not been adequately assessed.**

**Given the huge number of businesses across the dog fraternity it was very remiss of the Government not to have consulted with them first.**

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 any 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**

I have dealt with a lot of aggressive and out of control dogs over the last 50 years that I have been a dog trainer, so **Not** being allowed to use the tool of choice for each individual dog and handler would have a big impact on my business. I deal with many dogs who would be euthanased if I was not able to use the tools I am so familiar with for each individual case.

I have over many years sourced different types of equipment, learning the correct way to use each piece (fit, comfort, and appropriateness) so without some of these tools, I would have fewer clients and hence there would be more unnecessary

euthanasias and attacks/bites from out of control dogs.

The quality of my training services to the community would suffer greatly by these tools being taken away reducing effectiveness in terms of training and rehabilitation. Many clients would have a reduction of control over their dogs leading to surrender or euthanasia because they caused injury or death to another being.

## **Competition Impacts**

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

- This will have a huge impact on the whole dog community as if trainers are limited in options of what tools they can use to fix a behaviour it will snowball into situations we can readily avoid now with the right tools for the job. E.g. A plumber would not use, a hammer and chisel to undo a fitting instead of a wrench, nor would an experienced dog trainer use a piece of string instead of a secure leash and collar the size to suit the dog.
- So many dogs will have been euthanased that there will not be enough work for all the great trainers who have been saving dogs from unnecessary death.
- How humane is it to kill a dog that could easily be saved?
- **The fallout from this will impact on so many animal loving people**

## **Social and environmental impacts**

- Safety is of utmost importance to every good dog trainer as we want all dogs and people to enjoy their training with safe and secure equipment and we need to make sure the training area is secure enough, clear of dogs and people as is necessary to accomplish this.
- The impacted members of the community who are unable to provide adequate mental and physical fulfilment for their dog without any safe equipment available to them, and to afford them good safe control, is a huge **welfare concern.**
- **Dogs need environmental enrichment not to be locked away because of fear from owners not able to control them**
- This means that many more escaped loose dogs will be wandering the streets and many owners will be too frightened to go out of their yards

## POINT 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.**

*“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 these tools be considered prior to coming to such conclusions, as the above statement demonstrates a lack of understanding of behavioural science and the way 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 for 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 a professional I have used many tools over my years of dog training and carefully consider their use depending on the individual dog and capabilities of the handler. I have clients who have said using a prong collar is like having power steering and they have been so happy with the results. Over many years not one client has ever reported any injury contributed to this tool plus each dog was so happy to finally have the new found freedom it gave them and their owners.
- Many clients are small, frail, disabled, incapacitated people who could not manage their dogs without the use of some of these tools so are we to deny them their freedom or choice
- I personally have used this tools on a number of my own high drive working dogs with great results. I would caution people to get professional training in the correct use of any tool they use

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 any 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 to 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

As there has been no opportunity for the community and stakeholders to make comment on the proposed banning of the training tools listed in the above petitions, I do not consider due parliamentary process to have been followed. As such I petition the committee that changes pertaining to the legality of these tools not be considered as part of the proposed amendments.

Thank you for your consideration of this submission.

Yours sincerely

A solid black rectangular box used to redact the signature of the petitioner.