

Inquiry into the Animal Care and Protection Amendment Bill 2022

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Submitted by: Julia Terry
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Julia Terry

That Dog School

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State Development and Regional Industries Committee

Dear Parliamentary Committee,

RE: 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 Julia Terry. I am co-owner of That Dog School, a pet dog training business located on the Gold Coast. We provide a service which assists pet owners through private training and weekly group classes. I became a certified dog professional through the National Dog Trainers Federation in 2015, beginning my career with dogs as both a pet dog trainer and assistance dog trainer through The Canine Classroom, and Australian Companion and Assistance Dogs, on the Sunshine Coast. I am also currently employed as a dog attendant at Barkroyal Boutique Pet Resort, where I have been caring for pet dogs since 2017.

In my spare time I engage competitively in several different dog sports with my own personal dogs, including herding, flyball, canine fitness conditioning, scent work and trick training.

I am strongly against the proposed amendments to the *Animal Care and Protection Act 2001* for the reasons stipulated below.

- 1. Best practice has not been followed by the government in this instance. Last minute amendments to the legislation changes being considered has meant that relevant key stakeholders and community members have not been adequately consulted on the changes being proposed.**
- 2. Due to a lack of proper community consultation, the true impacts of these amendments to the wider community have not been accurately assessed.**
- 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.**

1. **Best practice has not been followed by the government in this instance. Last minute amendments to the legislation changes being considered has meant that relevant key stakeholders and community members have not been adequately consulted on the changes being proposed.**

The Queensland Government Guide to Better Regulation May 2019 states that:

The COAG Best 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. 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)

Three relevant e-petitions remain, for which no correlating subject matter was included 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. As this was not part of the initial proposed changes at the time, any community consultation submitted is not truly representative of the impact these amendments would have.

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. Due to a lack of proper community consultation, the true impacts of these amendments to the wider community have not been accurately 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 several 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

At That Dog School we pride ourselves on consistently pushing the limits of our own knowledge and pursuing ongoing education in scientifically-based learning theories. We do not support dangerous or inhumane training.

Our weekly group training classes offer a safe space for any dog and handler team to come and work on their obedience or their personal behaviour modification challenges.

The changes being proposed to the act would place limitations on many dogs currently training with us who would become incapable of continuing safe practice in a controlled setting with exposure to other dogs and people. This in turn would mean some of our services could no longer be offered to certain members of the community seeking professional help with dog behaviour.

Social and Environmental Impacts

There is currently an alarming upward trend in reported dog attacks and associated fatalities in Australia. When looking at dog safety and management in public settings, restraint devices (no matter what tool this may be) are not what prevent attacks. Training and education are vitally important.

From an animal welfare standpoint, many of the dogs we currently handle and rehabilitate with great success will be in danger of neglect. They will either be left to languish in backyards, where their physical and mental needs are not being addressed as they are too unruly to handle outside the house, or they will become candidates for behavioural euthanasia (BE) as they are too difficult to live with and/or rehome. Already according to the RSPCA Report of Animal Outcomes *“of dogs euthanised, the majority of cases are because of severe behavioural issues (68.78%). This includes aggression and severe anxiety that the RSPCA is not able to, or has not been able to, treat through behavioural modification programs”*.

By putting a bias on specific training methodologies, shelters will see an alarming rise in the surrender of a growing number of dogs unable to be handled by their owners (and based on that report, cannot be handled by shelter staff either). These animals are deemed unsafe for rehoming within the wider community, leading to increasing cases of BE as a result. These are dogs that would otherwise have had the opportunity to be rehabilitated by a professional trainer skilled in the use of all tools.

As per point d. of the *COAG Best Principles for Regulation Making*, referred to on page 2 of this submission, I cannot see how the banning of tools is a response that could be considered of greatest net benefit to the wider community in relation to these issues.

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.

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 could provide 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 one example, I had a client who was a 90-year-old woman, caring for a husband with mobility issues, and who owned a two-year-old working line German Shepherd. This woman had been to three trainers prior to asking for my help. Under the guidance of these trainers, she had walked the dog in harnesses, head haltis and check chains, all to no avail. The dog was now being confined indefinitely to its small suburban yard after pulling her over onto her driveway, resulting in hospitalisation with a cracked vertebra.

While you could argue that this woman should not have acquired this dog, at this point she either needed a solution to give her the control to train it, or she would need to surrender/rehome it where the lack of training becomes someone else's problem.

Over the course of three sessions, we conditioned the dog to wearing a prong collar and the woman was educated on how to communicate using mild pressure and release signals through the lead to negatively reinforce the dog to move close with her during their walks, along with plenty of positive reinforcement when the dog was offering desired behaviours.

Very quickly this woman was able to transfer these skills to a variety of environments—from her backyard to her front yard, and eventually the neighbourhood. She was happy and had her dog under effective control. With clear and enforceable boundaries, the dog was happy and able to receive the stimulating benefits of biologically fulfilling exercise outside of its backyard. Not once did the dog suffer any injury as a result of wearing this piece of equipment.

I would also note that my personal dog has trained on a prong collar and never once required treatment for anything to do with neck or chest injuries as a result. I would be more than happy to provide a complete history of his veterinary records to back this up if required.

In my experience it is unreasonable to ban a tool because a user does not know how to operate it properly.

In my time as an attendant at Barkroyal Boutique Pet Resort I have encountered dogs being managed on just about every piece of equipment available on the market. I can say with absolute certainty that the tool I witness causing the most damage to dogs is the head halti. Facial abrasions are hugely common in large pet dogs being restrained on this tool. Do I think head haltis should be banned? Absolutely not. When used correctly, there are some dogs that will benefit from them greatly. The problem isn't the tool, it is the incorrect use of the tool.

While prong collars are visually confronting to those unfamiliar with their use, they are actually one of the most humane ways of communicating with a dog, requiring minimal pressure or force to be applied by the handler for the collar to have its intended effect.

Additionally, it is of great concern to me 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 has been followed and the community is consulted on the proposed changes.

Yours Sincerely,

Julia Terry