

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

**Submission No:** 55  
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22<sup>nd</sup> May 2022

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.

By way of introduction, my name is Eve Schmacker. I am the owner of a 5 year old working line German Shepherd, with whom I have participated in a variety of different obedience classes and training workshops. In the past, I have assisted with the running of puppy preschool, obedience classes and private behavioural modification consultations conducted by Think Canine Training and Behaviour. I have been a member of the dog training community for approximately 8 years.

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

The social media announcement by Annastacia Palaszczuk on the 8<sup>th</sup> of May regarding the imminent ban of prong collars by the Queensland Government took everyone by surprise, none more so than those in the balanced dog training community.

As such, there are three main points which I have addressed below:

1. The government has not followed its own best practice guide for the amendment of legislation, resulting in key stakeholders and the wider community having been denied the opportunity to be consulted on the proposed amendments to the Act.
2. Lack of community consultation means the impacts on the community have not been adequately assessed.
3. Conclusions drawn regarding restraint-based tools, specifically the prong collar, have been made based on unsubstantiated research and without consultation of key stakeholders.

**POINT 1**

**The government has not followed its own best practice guide for the amendment of legislation, resulting in key stakeholders and the wider community having been denied 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

Given the lack of public knowledge about the amendment to the legislation regarding the ban of prong collars and 'restraint devices', not to mention the nature in which this proposed change in the legislation was undertaken, it would appear the government has not followed the abovementioned 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, in the 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. These three relevant petitions were:

- 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. It should 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.

I find it concerning 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"*.

## POINT 2

**Lack of 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”.

Page 14 of the bill states: “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 Government Guide to Better Regulation 2019”, these include:

### **Business Impacts**

Banning the use of restraint-based training tools will greatly limit the ability of professional trainers to offer the best possible outcome for clients and their dogs. Limiting the tools at their disposal will increase the time it takes to resolve certain behavioural issues, and in some cases, may even mean these behavioural issues cannot be resolved. This will lead to a negative attitude towards not only the professional trainers (who know how to fix these issues but are unable to do so as they cannot utilise the necessary tools), but also towards the dog training industry as a whole.

### **Competition Impacts**

The removal of these training tools will result in the loss of opportunity for the general public / dog owners to make an informed decision regarding the training methods that are best suited to their dog and their individual requirements.

### **Social and Environmental Impacts**

All dogs require structure and leadership in order to thrive and live their best life. Likewise, all dogs come with their own personality and their own unique set of traits which mould them into the dog that they are.

To this end, there are some dogs within our community who are genetically wired as higher-drive dogs than others, and as such, are capable of causing injury to themselves and others if the correct tools are unable to be utilised. With the correct training, these tools enable dogs like this to interact safely with society and provide their owners with confidence in their ability to handle the dog. If these tools are no longer available, there’s a high chance these dogs will no longer have their mental, physical and medical needs fulfilled, which in itself poses a welfare concern.

In addition to this, if these dogs are no longer able to be handled and controlled by their owners, rehoming rates will increase, as will euthanasia rates if they cannot be successfully rehomed. Again, this poses another serious welfare concern.

## POINT 3

**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 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 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.

Having had personal experience using prong collars, I can honestly say I’ve never seen a prong collar cause injury or distress to a dog. On the contrary, I’ve seen dogs become calmer and less anxious simply from having the prong collar fitted. I’ve seen dogs that drag on a flat collar (to the point of choking themselves) walk calmly on a loose lead when a prong collar is utilised. There are owners in our community who rely on prong collars to be able to walk and control their dog on a lead – if they can’t access this tool, there’s every likelihood they will be unable to walk their dog on a lead be that to the local park, or for a visit to the vet.

Additionally, I find it greatly concerning 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 the opportunity 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 hereby 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,

Eve Schmacker