

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

**Submission No:** 60  
**Submitted by:** Daniel Tropeano  
**Publication:** Make my submission and my name public  
**Attachments:** See attachment  
**Submitter Comments:**

### **Making A Submission**

The guidelines from the committee on making a submission are as follows:

- You do not have to use a specific format or layout but it may be helpful to
- Present your submission in a Microsoft Word document or as a PDF
- State your general position on the matter under inquiry
- Be clear and concise
- Use headings and dot points
- Use page numbers

Submissions **MUST** include your name and at least two of the following:

- Mailing address
- Email address
- Daytime telephone number

If the submission is made on behalf of an organisation, an appropriate level of approval may be required.

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Below is a template you can use to craft your submission. In this template, the highlighted parts are where you need to add your own words. We have given examples of what to write. **It is very important that your submission includes as much personal experience as possible. Please modify this template to suit your own beliefs and views on the matter.**

**TEMPLATE**

23/05/2022

Daniel Tropeano (Training Director) Dog CLub

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 Daniel Tropeano and I have been training dogs as a hobby for over 10 years and professionally for the last 3.5 years. Over this time I have helped 100s of dogs with behavioural modification and training needs. I own my own training facility called Dog Club in South Australia. The facility has been operating for the last 1.5 years and have approximately 50 current clients. I am a member of the International Association of Canine Professionals and currently completing the Cert 3 from the National Dog Training Federation which is the only nationally recognised course for dog training in Australia.

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

**POINT A**

**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:
  - 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)

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 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.

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

### **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**

*This will impact the business world because you are trying to take away an effective tool in our toolbox. This is the same as telling builders that we will be banning hammers because they are used in robberies and assaults and can cause harm. The hammer only causes harm when used incorrectly otherwise it is a highly effective tool to those trained and versed in its appropriate use. Taking away a tool that is proven to help cases of aggression towards stock, humans or other animals leaves us not to take care of our clients best interest and the welfare of the dog is not put at the forefront*

#### **Competition Impacts**

*By removing this collar you are limiting choice that people have with the training options that resonate with them. The whole positive only, force free approach is little more than a marketing ploy that fails to deliver unbiased scientific studies and long lasting results. I am what you call a Balanced trainer and the amount of clients that I have that have been to these schools that now train with me is endless. It's not real life training. Our kids receive reinforcement and punishment at schools. As long as the subject is set up as much as possible to succeed and the reinforcement or punishment is given out fairly and ethically then there is not an issue. You will maintain a respectable relationship. Imagine a human world with no punishment or compulsion. It would crumble. The police don't write to everyone saying “you drove well today” they only send you a fine when you do wrong. But why is this ok. Because we make sure anyone who gets a Drivers License does the appropriate training to learn the rules. So when someone breaks a rule they do*

*It consciously, If we didn't teach the rules first and only punish then it would be unfair. So to think we can create a world without these principles is not realistic.*

## **Social and environmental impacts**

*Let's face it, just like humans, dogs all respond to different training styles. So to pigeon hole each subject to one style of learning is also unfair, unrealistic and doesn't look out for the best interest of the subject. It looks after the emotions of those who know no better. There will be more dogs killed because of the removal of this tool, It will affect those with disabilities because the prong collar can be used to better control their dog because it simply amplifies communication. Therefore when used correctly we can use less force or pressure than a harness or neck collar.*

### **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.

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

Daniel Tropeano