

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

**Submission No:** 63  
**Submitted by:** [REDACTED]  
**Publication:** Make my submission public but keep my name confidential  
**Attachments:** See attachment  
**Submitter Comments:**

Monday 23<sup>rd</sup> May 2022

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] and I have been operating my dog training business [REDACTED] [REDACTED] for six years after completing my qualification with the National Dog Trainers Federation.

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

The Government has not followed its own practice guide for the amendment of legislation. Key stakeholders and the wider community have not been provided with the opportunity to be consulted on the proposed amendments to the Act.

Instead what I have seen is the emotive opinion gathering of people who have no experience or credibility in the dog training industry, and these emotive opinions used to front a proposal on the amendment 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”*

The lack of genuine community consultation means the impacts on the community have not been adequately assessed and taken into consideration.

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**

I teach clients how to train and handle their dog that is the safest and most effective way for them each individually. I have had several clients over the years that have had mobility or health issues which has caused them some difficulty when handling their dog safely. In these cases a prong collar has enabled the client the leverage needed in their handling skills to keep them and their dog as safe as possible when out training and exercising, and therefore the prong collar has enabled them to enjoy taking their dog out again. Also, their dog gets out to exercise, whereas the alternative was not going out for exercise as it wasn't safe enough.

### **Competition Impacts**

Limiting trainers and dog owners options on what equipment they can use to train their dog effectively will be detrimental to the overall wellbeing of dogs. Not having access to certain equipment will therefore limit the methodologies used, and this will be very restrictive and in cases make it impossible for dog trainers and owners to work with certain dogs to improve their behaviour to keep them in their home, or be able to place them in a home.

Any professional dog trainer who understands dogs who has significant experience working with difficult or aggressive dogs, and who has achieved long term results with difficult or aggressive dogs, would not welcome the amendment to the Act of banning any types of training equipment.

### **Social and environmental impacts**

If dog owners are unable to manage their dogs safely, this has a direct impact on the welfare of dogs. Safety and control are paramount in dog handling and denying dog owners and trainers the use of certain equipment will have a negative impact on the safety and control of dogs. It will therefore affect dog welfare by dogs not being taken out for exercise because they cannot be safely controlled. This lack of exercise will then result in further behavioural issues.

I believe the proposed amendment to the Act regarding restraint based tools, specifically the prong collar, have been made based on unsubstantiated research or evidence, and without meaningful consultation of key stakeholders. I have not witnessed any injuries or health impacts to dogs regarding the use of prong collars.

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. As stated above, I have not witnessed any instance or seen any evidence where a prong collar has caused injury to a dog, and I have had many clients and dogs benefit and progress in their training with the correct use of a prong collar.

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.

Regarding the above, I request that amendments to the use, availability and legality of training equipment not be considered as part of the proposed amendments to the Act until best practice process is followed and the relevant community who have knowledge and experience are consulted on the proposed changes.

It would be fair to note regarding community opinion that:

'The opinion of 10,000 men is of no value if none of them know anything about the subject.'

- Marcus Aurelius

Thank you for your time and consideration

Yours Sincerely

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