

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

**Submission No:** 64  
**Submitted by:** [REDACTED]  
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**Attachments:** See attachment  
**Submitter Comments:**

20 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.

I am writing to you from the standpoint of a private person owning a two year old mixed working breed dog with personal experience in the use of a prong collar.

I am strongly against the proposed amendments to the *Animal Care and Protection Act 2001* (detailed below) and would ask from the committee to withhold the amendment until thorough consultation with industry professional have been undertaken.

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”*

## B. 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*”.

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:

### **Competition Impacts**

While I personally do not own a business that’s related to dog training, a ban such as this, there are numerous well-known trainers and educators in QLD which are sought after by dog owners from within the state as well as interstate for their balanced, whole-of-dog-wellbeing approach to dog ownership.

### **Social and environmental impacts**

**A ban of this tool will lead to a negative outcome for society and the dogs.** To follow my argumentation it is assumed that it is agreed that: 1) prong collars are helpful tools that are designed to distribute pressure around a dog’s neck evenly, 2) prong collars do not puncture a dog’s skin – if anyone sharpens the blunt prongs to abuse a dog that is a dog abuse problem not a prong problem, 3) prong collars are only worn on a dog during training periods or when a dog is out for a walk, 4) a prong collar is not left on a dog unsupervised (just as any other collar), 5) yes, prong collars create discomfort for the dog, 6) training is required to ensure a dog learns that it is in charge of alleviating the pressure of its neck.

- People lacking in physical strength temporarily or permanently due to age or sickness may own a large-breed dog benefit from access to a prong collar (with adequate training and instruction) to take the dogs for walks and physically as well

as mentally enrich and satisfy a dog's life. Without access to tools which enable negative reinforced behaviours (a dog will feel the pressure of the collar and has learned being close to the owner relieves the pressure) a dog may be left to sit in a backyard as it might not be able to be taken for walks due to health and safety concerns. From my own experience, I can say that the feedback provided by a prong collar makes a dog put minimal pressure on the leash. I can walk my 25kg mixed breed dog with the leash around two fingers.

- People living with disability may require large-breed dogs to provide them with the necessary support to improve their everyday life that a small dog would not be able to do. These support dogs have to be incredibly well trained and reliable in their behaviour. Depending on the disability, the use of a prong collar may be recommended to ensure the safe and reliable handling of a dog. Without access to these tools, disabled people may not be able to use their service dogs and see their lives diminished.
  
- Dogs will end up in pounds and are put down due to 'unmanageable' behaviour problems which can be addressed and benefit from the guidance of a trainer who utilises all aspects of learning theory and operant conditioning using tools such as (but not limited to) a prong collar. During COVID dog ownership has soared with many young dogs missing out on essential exposure during their puppyhood and adolescence. If all these dog owners have access to is 'force-free' cookies only training methods, the majority of these dogs will end up in pounds and eventually put down. This is an outcome that many dog trainers that understand the science behind dog training could address if access to incredibly helpful tools is available. From personal experience, while we tried our absolute best with our first dog, we still made some mistakes along the way. Our dog was reactive on the leash out of frustration to not go and say hello to other dogs. The frustration / reactivity manifested itself by barking and lunging on the leash when the dog was about 7 months old. We tried for six months to make progress with a 'force-free' approach and committed everything into this process. We are both post-graduate educated individuals that work hard to achieve their goals. We were meeting several days per week at 6.30am with a friend and their dog to work on this under the guidance of a professional trainer. Our world shrank smaller and smaller as the reactivity still got worse. 180 degree turns on the street when we saw a dog coming our way were normal. Anxiety and frustration entered our life. I cried more than once about not being able to support our dog cope with her reactions even though we tried so hard. We tried another trainer with the same approach, no luck. Once our dog has learned that other dogs are the highest reinforcer, no cookie, Italian pastrami (just an example) or other food or toy could compete. It was only when we sought out a balanced trainer which utilised all quadrants of operant conditioning including negative reinforcement with a prong collar, that we were able to get through to our dog, interrupt the outburst with a correction and reward the calm state of mind heavily. We could not have achieved where we are now with our dog without access to the knowledge and guidance of trainers that understand dog training in all its aspects and with access to high quality prong collars. **Everyone I know that has worked with or uses a prong collar has only good things to say about them. It helped them navigate life with their dogs and enables dogs more freedom, a better relationship with their dog and life – not less.** In NSW we are lucky to have access to both trainers and the tools. We would have possibly had to restrict our dog to limited outings or the backyard. We tried the methods that organisations

such as the RSPCA preach, but they don't work in cases such as in our dogs. No competing motivator would have been better than access to other dogs. None. And the mistake we made is VERY common among first-time dog owners who let their puppies play too much with other dogs.

- Withdrawal of access to education and training does not stop people from utilising tools which are helpful. People may still strive to utilise this tool however without access to a regulated and well-trained professional. They may resort to online sessions with trainers in states and countries that allow prong collar training and miss out on beneficial in person training. They may also lose access to high quality prong collars which are designed to protect a dogs trachea and distribute the pressure well – Herm Sprenger is the brand that sets the benchmark.
- The ban of prong collars will also not stop abusers from abusing dogs. Personally, I have come across an audio recording of a person belting their dog in the backyard – the recording was done by a neighbour. Animal abusers will not splurge \$150 AUD to buy a prong collar to abuse their dog. If this ban is trying to stop abuse, it is not going to achieve this outcome.
- One last point I'd like to make is that the ban of this tool does negatively impact access to knowledge and open critical thinking of our society. If we were to ban anything that looks weird just because one organisation or individual screams loud enough, then we soon find ourselves in a very limited society. Education, openness to learning and understanding of science as well as really looking at the outcomes paint a picture of prong collar users that to me looks like owners who deeply care about their dogs and wish for their dogs to have a rich life. In our daily life, we get compliments on a weekly basis on how happy, well-behaved and trained our dog is.

## C. 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 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 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 is followed and the community is consulted on the proposed changes.

Yours sincerely,

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