

Inquiry into the Animal Care and Protection Amendment Bill 2022

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State Development and Regional Industries Committee

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Submission on proposed amendments to the Animal Care and Protection Act 2001

Dear Parliamentary Committee,

Thank you in advance for your time and consideration of this submission on the proposed amendment to the Animal Care and Protection Act 2001.

My name is Skye Frost and I am a professional dog trainer operating on the Gold Coast. I have been a dog owner for several years, regularly attending a local obedience club. It was in 2019 that I signed up for the certificate three in Dog Training and Behavior provided by the National Dog Trainers Federation, completing the qualification in 2020. I have also had many mentors and continued learning to compliment my qualification. I am strongly against the proposed amendments to the Animal Care and Protection Act 2001 for reasons I have outlined below.

- 1. The government has not followed its own best practice guide for the amendment of legislation. Major stakeholders and the wider community are entitled to the opportunity to be consulted on the proposed amendments to the Act, ensuring transparency and high standards are upheld for the benefit of the community as a whole.**

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 it's 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 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.

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. It is impossible to adequately assess the impacts on the community without conducting thorough and genuine community consultation.

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:

A) Business Impacts

Limiting how a professional dog trainer can provide help to clients and their dogs effectively constricts businesses from growing. People work hard to start and successfully continue a small business, its important to encourage and embrace professionals working towards high standards to provide a quality and effective service. In my business, I take great pride in offering clients excellent results at a price they can afford in the most humane way possible. I desperately want to continue offering that same quality and high standard, yet I would not be able to with the proposed amendments.

B) Competition Impacts

Limiting the market by restricting what we can offer clients will have a widespread impact; not only to the small businesses who will no longer be able to explore ways to offer a more personalized approach, but also to consumers who will have their choices taken away. A limited market can also result in price gouging and consumers being taken advantage of.

C) Social and Environmental Impacts

Effective training and access to training tools is of the utmost importance when it comes to the safety and wellbeing of dogs, their owners and the wider community. We, as a community, have been aware of shortcomings and made monumental improvements in the handling of homeless dogs. Majority of dogs euthanized by the rspca are due to behavioral issues. Many rescue dogs are large, powerful dogs with a range of behavioral issues. Limiting ways to train these dogs is surely a death sentence for thousands of dogs, as placing them in the community would greatly increase injuries and death caused by dogs. Training collars, specifically the prong collar -

- Allows people that may not have the physical strength (smaller stature, disability, age) to effectively handle and train stronger dogs. Even a 10kg dog has incredible strength.
- Is incredibly effective when used to address severe behavioral issues by facilitating an ease of communication in a non-invasive and gentle manner.

3. The decision to include a ban on prong collars in the proposed amendments has been made based incorrect and unsubstantiated claims and research

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 behavioral science and the means in which training tools are most commonly used as a means of Negative Reinforcement (guiding the dog towards the correct behavior), not Punishment. Adequate consultation with key stakeholders, including but not limited to:

- Members of the Queensland Government currently utilizing 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 Organizations
- 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 behavioral 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. I have been unable to find any such research that supports the claims made in this bill regarding prong collars, let alone a single conviction of animal cruelty due to the misuse of the prong collar. I have personally used a prong collar on a range of dogs for a range of reasons, countless times. Not one of these dogs received bruising or pierced skin from the prong collar, as per the outrageous claim made in the bill. Nor did any of the dogs experience any kind of fear. In fact, all experienced quite the opposite.

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.

I would like to conclude this submission by requesting that the proposed amendments to the Animal Care and Protection Act 2001 be held back until the government's own best practice process has been followed correctly. The community, major stakeholders and dog training industry have a right to complete transparency and honesty when it comes to bill amendments.

Kind Regards

Skye Frost