

Inquiry into the Animal Care and Protection Amendment Bill 2022

Submission No: 69
Submitted by: [REDACTED]
Publication: Make my submission public but keep my name confidential
Attachments: See attachment
Submitter Comments:

22 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 participate in ANKC (Dogs Qld) Tracking Competitions. I have been a member of Dogs Qld for over 40 years. Over the past 40 years I have participated in ANKC Obedience Trials and Agility Trials. I have conducted Puppy Classes and have been an Instructor at one of the largest private Dog Training Schools in Queensland and volunteered my time at a number of Dogs Qld Obedience Clubs. I have run Training Courses for Obedience Club Instructors in Brisbane, NSW and Japan. I have given talks to Primary School children on how to behave around dogs to minimize the chance of being bitten. I have participated in running seminars for Government organisations for members to learn how to minimize chances of being bitten when visiting private property.

I am strongly against the method under which these proposed amendments have been introduced and also strongly against the amendments themselves. (detailed below).

- I. I do not believe there is any evidence that the government has 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.
- II. I do believe there has been a lack of community consultation regarding the specific use of any and all devices used for training dogs. This means the impacts on the community have not been adequately assessed.
- III. The proposed ban on restraint based tools, specifically the prong collar, has been made based on unsubstantiated research and without consultation of key stakeholders.

POINT I

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 for all 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”

POINT II

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). These adverse impacts include:

The proposed banning of prong collars and possible future banning of flat collars, head collars, check-chains, harnesses and any similar ‘restraining device’ will negatively impact every dog training school and the thousands of their clients who attend such training schools. Such banning will certainly result in many more dogs being euthanised due to behavioural issues – dogs that could have been saved by a trainer who knew how to use all the tools which should be at his/her disposal given the opportunity. More than half the total dogs euthanised by the RSPCA in Queensland (2020-2021 FY) were euthanised due to behavioural issues (total euthanised - 749; due to behaviour – 462); many of these could be saved and rehabilitated given the right trainer using the right tools. Personally, I have a large dog which would be difficult to manage in all situations as I have had 4 surgeries on my hands which have resulted in a severe loss of strength - so I use a prong collar which results in him being quite manageable. I know of other similar situations where the dog would have been euthanised but for the use of a ‘restraining device’.

Impact on Dog Sports and the Public

The abolition of all restraining tools will mean the demise of many dog sport competitions eg ANKC (Dogs Qld) Obedience Trials are conducted with dogs wearing a restraining device eg a Check-chain; ANKC Tracking Trials are conducted with dogs wearing a harness; the recently introduced and very popular Nose-works (Scenting) trials are conducted with dogs mostly wearing a flat collar or harness. All these sports will vanish or be greatly reduced with the banning of restraining devices. There are hundreds, if not thousands, of competitors who compete in the above sports each week. Certainly there are some sports which use prong-collars but these competitors are not the ones who would do harm to their dogs; if research is done it would be shown that there no cases of injury caused to dogs by the use of a prong collar WHEN USED BY AN APPROPRIATELY TRAINED PERSON.

If all restraining tools are banned, many members of the public will be unable to walk their dogs in the public domain due to the reactivity of their dogs to any external stimuli. This lack of walking will mean the dog will be locked in the yard with no chance of being socialised and thus becoming worse if it is ever taken out. An owner cannot ignore a dog's problems and expect them to disappear. For the welfare of the dog, appropriate training MUST be carried out to result in a well-behaved dog.

POINT III

Conclusions drawn regarding restraint based tools, specifically the prong collar, have been made based on unsubstantiated research and without meaningful consultation with 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”

Many 'tools' can cause pain and distress if incorrectly used eg a surgeon's scalpel. a builder's hammer, a timber-cutter's chain-saw, however used correctly by a suitably trained person all these tools can achieve great results.

How many cases involving the mis-use of prong collars have been brought before the courts? How many have been upheld as animal cruelty/abuse?

I would request a more comprehensive review of training 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. I would request 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

Consultation with and feedback from these groups/people would generate a more comprehensive understanding of the use of training tools used in behavioural modification and the betterment of animal welfare.

I refer to page 3 of the bill, which states:

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 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.

Conclusion and Requested Action

I do not currently carry out full time dog training however am still conducting the occasional consultation and training session. My network of colleagues who are still actively engaged in the dog training industry are not aware of ANY professional dog trainer who has been consulted over the proposed banning of these collars.

Page 38 of ACPA 2001 Consultation Outcomes Report states:

'The Queensland Government is committed to maintaining strong and effective animal welfare laws. It is important that the community and stakeholders have an opportunity to comment on animal welfare laws'

Based on the above, I would request that amendments to the use/availability/legality of previously mentioned tools not be considered as part of the proposed amendments to the Act, until such time as the Queensland Government's own best practice process is followed and the community is consulted on the proposed changes.

Yours sincerely

██████████