

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

**Submission No:** 80  
**Submitted by:** Lilli Smith  
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**Submitter Comments:**

25<sup>th</sup> May 2022  
Lilli Smith, Upper Coomera

Dear Parliamentary Committee,

My name is Lilli Smith, I am an owner of a reactive 2-year-old dog Amstaff named Ellie. Ellie is a rescue from the AWLQ and has lived with us for just over 12 months. During this time, whilst Ellie was in foster care and following her adoption, I have worked privately with certified NDTF dog trainer Brittany Young from The Pet Girl and have also completed two community group training courses with That Dog School.

I am firmly against the proposed amendments to the *Animal Care and Protection Act (2001)* for three main reasons:

- 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 such as myself have not been afforded the opportunity to be consulted on the proposed amendments to the Act.
- b) Lack of community consultation means the impacts on the community have not been adequately assessed.
- c) Conclusions drawn regarding restraint based tools, specifically the prong collar, have been made based on unsubstantiated research and without consultation of key stakeholders.

#### **POINT 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 such as myself 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 approaches

- 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 wish to note that during the initial consultation process, conducted by the Department of Agriculture and Fisheries (DAF) and within the '*REVIEW OF THE ANIMAL CARE AND PROTECTION ACT 2001 DISCUSSION PAPER*' there was no mention of training tools, including prong collars and restraint devices.

I refer to the "*REVIEW OF THE ANIMAL CARE AND PROTECTION ACT 2001 CONSULTATION OUTCOMES REPORT*", prepared by the DAF and published in October 2021.

I refer to page 37 of the report, the 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 with 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 using all methods, including dogs, to control feral pigs (Petition no. 3515-21)

There remain 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 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 such as myself, 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.

Concerning the "*Animal Care and Protection Amendment Bill 2022 Explanatory Notes*", page 33, a 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 was 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 several 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*, which includes:

### **Social and environmental impacts**

As a female owner of a large, muscular breed dog (Amstaff), having the ability to appropriately restrain her in the community is invaluable to both my confidence as a handler and to those who we encounter on our walks. Having effective control of Ellie is imperative to not only her safety, but it is also a requirement of the Gold Coast City Council, which Ellie is registered under.

The social impact which these tools possess is that it not only provides effective control but allows dogs that would otherwise be left mentally and physically unfilled with the ability to be in a social environment safely. It is inhumane to provide a dog with a life stuck within four walls of a yard, endangering both them and others by not allowing them to be appropriate equipment to enter society. The use of a prong collar is something that not only provides restraint but instils confidence in the handler which directly translates to the dog.

By removing these tools from public access, dogs like mine will be unable to successfully and safely walk amongst other dogs who may initiate or unsettle my reactive dog. Not only does this endanger the dogs involved, but the handlers will be left trying to restrain/remove themselves from the situation.

Finally, the dog community would be greatly impacted as these forms of restraints allow dogs to be successfully, safely and humanly rehabilitated for society and re-homing. By removing these tools, trainers will be unable to successfully complete their rehabilitation of overly reactive, aggressive or large/dominant breeds.

### POINT C

**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 are 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 before drawing such conclusions, as the above statement demonstrates a lack of understanding of behavioural science and how 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
- Pet owners such as myself, who utilise these tools.

Consulting with these groups, as a *start* 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 the **correct** use of the prong collar does not cause injury to the dog.

As a dog owner who has successfully been trained under the supervision of a professional trainer to utilise the prong collar safely and effectively, I can state that there has never been any harm caused to Ellie by the use of her prong collar. Ellie happily allows me to put the prong onto her neck each walk and will excitedly jump at the sight of the collar. This device has taken a once nervous and shy dog into a confident, excited dog who can be safely and effectively restrained in the community.

It is also a public misconception that because a prong collar is used, the only training approach comes from utilising punishment. This couldn't be further from the truth. Brittany, our trainer has worked using a motivational model. Ellie has a conditioned reinforcer (YES marker) and is rewarded with toy play, food play, treats, fun engagement games, verbal praise and personal play all as a way to help her learn, *whilst the prong collar is on*.

What the prong collar does provide, is a means to be able to keep her under effective control and provide clear communication when she encounters another dog that is over-aroused on a walk.

Over the past twelve months we have dedicated a substantial amount of time daily to providing Ellie with the life that she deserves. We believe that we are responsible dog owners and will go to great lengths to ensure our dog is safe, happy and does not impact the community negatively. These new amendments will see that our efforts and hard work rehabilitating a large, reactive rescue dog are criminalised.

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 the legislation.

Based on the above, I would request that amendments to the use/availability/legality of tools, specifically the prong collar, not be considered as part of the proposed amendments to the Act, until such time as the best practice process is followed and the community is consulted on the proposed changes.

Yours Faithfully,

Lilli Smith