

Inquiry into the Animal Care and Protection Amendment Bill 2022

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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 have been a dog trainer, qualified through the National Dog Trainers Federation and working in the industry for three years, assisting every day pet owners and their dogs to live together in a way that is both fun and harmonious.

I have lived with dogs my entire life but when I found myself as an owner of a dog that really struggled to cope with the world he found himself in, I was forced to throw myself deep into study and learn everything I could about the best way to help him live happily in that world. Through this process, I spent a number of years thoroughly examining and developing a full understanding of all of the possible training options available to me as a dog owner.

It was a direct result of this learning that I sought to qualify as a dog trainer myself and focus on helping those who find themselves feeling helpless and in the same situation that I was in.

I am strongly against the proposed amendments to the Animal Care and Protection Act 2001 and have set out the reasons why below, under three main headings.

Best practice guidelines for the amendment of legislation

Firstly, the government has failed to follow its own best practice guidelines for the amendment of legislation. As a result of this, key stakeholders including the wider community, have not been allowed an opportunity to provide input into the proposed legislative changes.

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

Page 37, section titled “Relevant E-Petitions” of 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, acknowledges 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 were included as part of the initial discussion paper, meaning stakeholders and the community were provided the opportunity to give feedback on these. The 3 relevant petitions are 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)

The remaining three relevant petitions, for which there was no correlating subject matter in the initial discussion paper are:

- 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. The date of closing for the three petitions listed above was 23 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 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 that discussion paper.

It is of great concern that the following has been stated in the bill (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”

Lack of genuine consultation and inadequate assessment of community impacts

This lack of genuine community consultation means that 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 are significant when compared to the size of the problem it appears the government is trying to address via these amendments.

While I understand that there are views and concerns held by a small number of stakeholders in relation to the misuse of restraint-based tools, it is my view and the view of many of my colleagues, that blanket banning of such tools will not have the desired effect on those who seek to misuse them. Rather, it will have a vastly negative impact on not just the professional dog trainer but the everyday dog owner and the community in general.

Without access to these training tools, there are some dogs that may not be able to be assisted in feeling better about the world they find themselves in and owners of these dogs will be left with nowhere to go for help.

Those finding themselves in this situation will be left unable to enjoy their pets and unable to include them in the activities that many people get dogs for in the first place. A lot of people who own dogs that require support from training tools end up prisoners in their own homes without them.

Dogs that become unable to integrate into the community successfully are often doomed to live their lives confined to a backyard where they are denied basic biologically fulfilling activities at best, or suffer euthanasia at worst.

Those dog owners that do continue to try and integrate these dogs, using ineffective methods, are now placing not only themselves and their dogs in compromising positions, but the general public as well. In my own dealings with pet owners, there has been a noticeable and significant increase in reported incidents of dogs in public places not under effective control, resulting in injuries to other dogs and members of the general public more broadly. My industry colleagues are experiencing similar tails.

Surely these are far worse welfare outcomes than professionally taught and supervised use of a training tool that allows these dogs to live their very best lives, safely, with their families and in their communities.

Conclusions drawn regarding restraint-based training tools

Perhaps something that is most concerning to me are the conclusions drawn in relation to restraint-based training tools, specifically the prong collar.

Page 25 of the bill 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 strongly encourage a more comprehensive review of restraint-based tools prior to drawing such conclusions, as the above statement demonstrates a lack of understanding of behavioural science and the means by which these training tools are most commonly used.

A more comprehensive understanding of the use of training tools in behavioural modification and the betterment of animal welfare could be understood through 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

Page 3 of the bill 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.

Page 25 of the bill 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 training tool (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.

All of the dogs that I referred to earlier in this submission, including my own, who have been assisted through the use of a prong collar under the guidance of a suitably qualified professional have never suffered pain or injury as a result of their use. The prong collar is not generally sought out by people as a tool of punishment. In my experience, prong collars have provided a very specific and gentle guidance and clarity to dogs in so many situations where they may otherwise have struggled.

Additionally, it is of great concern that, as per the wording of the bill above, the possibility of use of any and all restraint-based tools could be 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.

It is my understanding is that an individual can currently be convicted of animal cruelty for the misuse of any training tool and I would request that current and historical data on such convictions be cited and included in the consideration of any amendments to regulation.

Based on the above, I 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 a best practice process is followed and the community is consulted on the proposed changes.

Yours Sincerely

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke, ending with a small dot.

Amy Smith