

Inquiry into the Animal Care and Protection Amendment Bill 2022

Submission No:	102
Submitted by:	Breeze Hunter
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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.

My name is Breeze Hunter, I participate in many dog sports, such as obedience, agility, nose works, sledding and confirmation shows. I also run my own dog training business, The Confident Canine. I attend and run classes at Astrolas Obedience Club, PADS Agility club, Northern Exposure Gig Racing club and The Brisbane Sporting Dog Club of which I am currently a standing committee member. I have been a member of these dog sports and training communities for the past 4 years and will continue to be an active part of this community for many years to come. Prior to my training roles I have owned canines for the last 20 years in a companion capacity.

I writing to you today to express my concern with the proposed amendments to the Animal Care and Protection Act 2001 primarily due to the fact that the government has not followed its own best practice guide for the amendment of legislation.

The Queensland Government Guide to Better Regulation ay 2019 states

The COAG Best Practice Principles for Regulation Making includes:

- 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 no regulatory approach
- d) Adopting the option that generates the greatest net benefit for the community

From discussions with fellow dog trainers, business owners and sport dog competitors in my electorate of Lilly and in my wider network which includes Brisbane, Gold coast and Sunshine coast communities. It is my understanding that consultation has not been afforded to any dog trainers, dog owners, business owners or dog sport competitors in any of these canine communities on a number of proposed amendments to the Act.

As a standing committee member at the Brisbane Sporting Dog Club, I personally am bound by the rules under the Associations Incorporation Act 1981. Under this act I can be held accountable for actions of the committee should they not align with the act including but not limited to amending rules and regulations without consultation from members of the club. It is my belief that if a small dog training club and its committee members can be held accountable under these acts and regulations, the government and parliament should be held to the same accountable standards.

Therefore my submission to you today is to pause the amendments to the act until the wider canine community has been consulted further on the proposed amendments and wording of the act can be clarified.

In 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. On 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 being considered as part of the ACPA review process"*.

Of these six petitions, the relevant subject matter of only three of these petitions was included as part of the initial discussion paper; as such, stakeholders and the community were provided the opportunity to give feedback on these three matters

- 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 e-petitions as listed contained 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, 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 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.

Therefore it is of concern to me that the following has been stated in the bill (I refer to page 18), and that 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"

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"*

This proposed banning of restraint-based training tools presents a number of adverse impacts on the community and I believe there has been insufficient community consultation on this topic. It is also of great concern to myself that the wording in the bill mentions ***another restraint device***.

Restraint based tools are not just limited to the prong collar but even tools labelled as “humane” such as halters, harness and even muzzles could all be all considered restraint based tools. I would also like to highlight that all members of the community are to require to **restrain** their animals in their vehicles which by definition alone would mean that all community members that own canines are in using a restraint based tools on their dog/s when travelling in a vehicle.

Business Impacts

Banning of restraint based tools, greatly reduces the options I can provide my clients available to them as training tools, each canine is different and their needs are assessed and based on their breed, specific behaviours their owners are working on with their canine companions and the sport or hobby they are undertaking.

Without tools many trades cannot operate a business, for example if you take away a hammer from a builder or paint brush from a painter they cannot provided the services they are hired for, essentially they can no longer run a business. Without a business this effectiveness their livelihood, their families livelihood and the supply/demand chain. The same can be said for dog trainers without tools like leads, collars and harness we cannot operate safe handling and training of animals.

This does not just affect myself as a small business owner but the wider dog training market, resulting in the potential closure of many small, medium and large dog training business and the business that supply these tools and the reduction in information and training on the correct use of tools and behaviour modifications available to dog owners.

Social impacts

Removal of restraint based tools is also a public safety concern in terms of safe management of dogs in the community. Members of organisations such as RSCPA and the police force require restraint based tools to effectively handle animals of all species in order to keep themselves and others in the community safe when handling animals of all species.

The removal of restraint based measures would also impact many breeds and members of the community who are unable to provide adequate mental and physical fulfilment for their dog without said safe equipment. Many dog sports/hobbies use different forms of restraint based tools these assist the dog in competition, training and socialising. These sports have a large community base and become a large portion of people's lifestyle and feeling of being a member of a community.

As noted on the Australian Government Department of Health website (<https://www.headtohealth.gov.au/meaningful-life/connectedness/community#:~:text=Being%20part%20of%20a%20community,and%20purpose%20to%20everyday%20life.>)

“Being part of a community can have a positive effect on mental health and emotional wellbeing. Community involvement provides a sense of belonging and social connectedness. It can also offer extra meaning and purpose to everyday life”

Many of these dog community groups could fold as a result of the removal of restraint based tool and in turn create a deuterium to their member's wellbeing. Mental health issues have been on the rise since the outbreak of covid19 and communities are only now beginning to get back to some form of "normal".

Unsubstantiated Research

The conclusions 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 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 this tool to 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. A review would generate a more comprehensive understanding of the use of training tools in behavioural modification and the betterment of animal welfare.

Adequate consultation regarding the use of these collars should be provided to key stakeholders such as

- 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 various dog show and dog sport/hobby communities/clubs
- Members of the public who own pets or have pet dogs living in their community

I would also like to 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 – this 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 personally use a prong collar on both of my dogs and also assist my clients and my fellow sporting colleges on how to use these tools correctly in a professional/competition setting. I have never had any of the above issues occur with my any of my own dogs or my clients dogs. I would be more than happy to provide video evidence/or hold a training session in person with my dogs and/or my clients dogs training whilst wearing prong collars which will demonstrate the correct use of the tool and evidence that the collar does not cause any harm to the dog.

Thank you for your consideration.

Yours sincerely

Breeze Hunter