

Inquiry into the Animal Care and Protection Amendment Bill 2022

Submission No: 111
Submitted by: Debrah Stack
Publication: Make my submission and my name public
Attachments: See attachment
Submitter Comments:

25th May 2022

Debrah Stack - Vision Dog Training

State Development and Regional Industries Committee

Dear Parliamentary Committee,

Submission of proposed amendments to the *Animal Care and Protection Act 2001* Thank you for the opportunity to submit the proposed amendments.

1. My name is Debrah Stack. I am a certified dog trainer with the NDTF, and I own Vision Dog Training which has been operating successfully since 2017. My business primarily helps people help their dogs with behavioural problems, including barking, leash pulling, aggressive behaviours, correct dog socialisation, etc.
- 2) I am firmly against the proposed amendments to the *Animal Care and Protection Act 2001* (detailed below).
 - 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 have not been given the opportunity to be consulted on the proposed amendments to the Act.
 - b) Wider community consultation and awareness is imperative to assess the impact on the community.
 - c) The restraint tools in question, including the prong collar, have not been appropriately researched with crucial stakeholders and the general public for the betterment and positive effects on dogs/ training and their lives with their owners.

POINT A

- 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 have not been given 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. Since the closing of these petitions, I wish to note that there has been no opportunity for 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 B

b) Wider community consultation and awareness is imperative to assess the impact on the community, which to date has been neglected.

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 many 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:

Business Impacts

1. Lack of quality and effectiveness to achieve results in behaviour training.

I use professional training tools, including prong collars, to help retrain dogs gently and humanely. Once my clients learn the correct techniques, they realise how they can enjoy and control their dogs safely in social situations and their lifestyle choice. Removing options to train pet dogs effectively will effectively decrease the success rate I presently have with the rehabilitation of dogs and misbehaviours and, therefore, the dog's quality of life and the people.

1. Financial impact

My dog training business is my primary source of income. Removing tools will have a detrimental effect on my income due to a lack of quality and effectiveness in achieving results in behaviour training.

Social and environmental impacts

1. Emotional trauma

My clients want the best life for their dogs. Banning effective and practical training tools will mean many people will have to give their dogs away or put them down because they cannot control them effectively. Many dogs will lose their lives if professional training tools are banned, significantly affecting people's mental health; their dogs are part of their family. Having a well-trained dog inside and outside the home gives millions of people and their dog's quality of life.

Due to ill-health, physical disabilities, or age, some people cannot control their dogs and enjoy taking them for a walk. Banning restraint-based tools, including prong collars, will significantly affect the quality of the training and the ability to help people with their dogs.

When taught with gentle pressure, the prong collar and other collars are necessary to prevent these dogs from being put down or living a life of misery confined to the backyard.

We train dogs to come back when called under any circumstance; this allows their owners and dogs to have safety, control and freedom. However, environmental impacts will occur if we are limited to specific training methodologies. Dogs will be less controlled, incurring more attacks on people, children and livestock. Ultimately, livestock will be killed and suffer a painful death resulting in more dogs destroyed if training methodologies are limited.

1. Competition impacts

Thousands of people and dogs enjoy sports with their dogs. Often these dogs are high drive and excitable, for example, police dogs and search and rescue dogs. Banning training tools will limit the sport and the effectiveness of control and training.

POINT C

c) The restraint tools in question, including the prong collar, have not been appropriately researched for their positive effects on dogs/ training and the betterment of their lives with their owners. Additionally, there has been no corroborating research or consultation with professionals that effectively help, treat and train intense and challenging dogs.

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 behavioural science and the means by which 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

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. I personally, have successfully rehabilitated numerous dogs to walk calmly and safely with the prong collar. The prong collar, used correctly, is a gentler way of training than most other tools. Education is key, along with using professional grade tools, not cheaper versions of the prong collar that are sometimes shown to shock the public.

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 consideration of amendments to the regulation.

ACTION REQUIRED

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

Yours sincerely

Debrah Stack