

Inquiry into the Animal Care and Protection Amendment Bill 2022

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Graham Davies

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.

Hi, my name is Graham Davies, I own three dogs and even though I have never used prong collars myself, I understand that they are a much needed tool for training dogs. The ban of prong collars does not concern me too much, but I am concerned about the possibility of random continues bans of restrains on dogs. I feel that by banning restraining products, such as collars, harnesses or leads, it will lead to an increase in dog attacks on both people and other animals. I am a responsible pet owner, all my dogs are registered, have annual vaccinations, are legally housed (I have had my property checked for allowance of three dogs), never “escape” my property, and they are getting regular training to make sure they are good, obedient members of society. However, I understand that not everyone is as responsible with their pets as I am. Therefore, some dogs are not as well trained, treated, or (unfortunately) trained to attack and if there is no restrains on these types of dogs they will likely run away and/or attack other animals roaming free or people and small children walking on the streets. The potential ban of all dog restrains is completely ridiculous and will just lead to more people getting hurt via dog attacks and more pet dogs being euthanized (either due to attacking someone/something or due to injuries from an attack).

I am also strongly against the proposed amendments to the *Animal Care and Protection Act 2001* because:

- 1) 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 and ensuring that government action is effective and proportional to the issue being addressed:**

Evidence that the government has not followed it's 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 to 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”

b) Considering a range of feasible policy options including self-regulatory, co-regulatory and nonregulatory approach and adopting the option that generates the greatest net benefit for 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*”

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). To quote from The Queensland Government Guide to Better Regulation May 2019, these include:

Business Impacts: I pay a trainer to train my dogs as one is fear reactive towards other bigger dogs and if restraints are banned it will make stopping my dog from running away in fear and possibly getting injured by either another dog or run over by a vehicle impossible. It will also stop me from being able to keep my dogs at a safe distance from other dogs, vehicles, small children, etc, and it will impact my ability (and the ability of the professional trainer I have hired) to train my dogs.

2) Lack of community consultation means the impacts on the community have not been adequately assessed.

This will impact the wider dog training market by limiting options available to consumers via targeting of select training methodologies, with zero real evidence-based reasons.

Social and environmental impacts: It will impact public safety in terms of safe management of dogs in the community, as mentioned earlier, some dogs are not well trained or they are fearful or trained to attack and with no constraints there will be an increase in dog attacks on people and other animals, including endangered wild animals. Also, members of the community will be unable to provide adequate mental and physical fulfilment for their dog without said safe equipment as they may not feel safe or capable to protect their dog from an attack or chase a known runner down, and therefore will not feel able to take them out of their property boundaries, which is a welfare concern. There are many people of the golden generations with small dogs that give them a necessity to leave their homes on foot. If they are unable to walk their dogs due to fear of attack or loss of their main (and possibly only) source of affection then they may not get the exercise they need as they would not be able to provide it for their pet and their reason for leaving their homes may be gone. Which is likely to lead to mental and physical health issues for the dog and its owner.

3) Conclusions drawn regarding restraint-based tools, specifically the prong collar, have been made based on unsubstantiated research and without 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 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 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 hammer, an iron, a belt) 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 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 the consideration of amendments to regulation.

Conclusion

What should happen is a full and thorough evidence-based investigation should be performed into each type of dog restraint to properly assess which ones truly cause injury to dogs and how the injuries are caused. The investigation should include contacting as many as possible professionals that use the restraints, such as :

- 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

After, and only after, the investigation is conducted should a ban on certain restraints be proposed. Also, any ban should be specific on what restraints are being banned and why, with evidence from the investigation. This is necessary as the very vague “*another restraint device prescribed by regulations*” could be interpreted anything and everything and could allow for last minute additions to the regulations with no warning. A person could read this and take it to mean that a harness or a retractable leash is no longer allowed. The information needs to be very specific and not open to interpretation as common sense is no longer that common. On a final note, I have never used prong collars and I do not like the idea but I can see how they could be useful for dogs with a lot of fur/hair, such as a husky or a malamute, whose thick fur may stop them from feeling things like e-collars or a simple tug from a leash in an attempt to stop them from chasing a cat down the street.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'G.D. Davies'.

Graham Davies