

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

**Submission No:** 432  
**Submitted by:** [REDACTED]  
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**Attachments:** See attachment  
**Submitter Comments:**

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 am the owner of a 4 year old purebred German Shepherd dog who participates in sheepherding and who I regularly train with. I have spent many hours engaged in training under the guidance of a professional dog trainer 'TDP' as well as initially completing the **RSPCA puppy school and foundation training courses**. He also has a life time membership for training with professional dog trainers 'The canine classroom' and has graduated through to control. I also sought the guidance of several other dog trainers when he was younger. I have also completed I am not a novice dog owner and have owned several dogs. I have been a dog owner for over 35 years.

I am strongly against the proposed amendments to the *Animal Care and Protection Act 2001* as detailed below:-

**Point A**

**The government has not followed its own best practice guide for the amendment of this legislation. 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
- 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 IT'S OWN BEST PRACTICE GUIDELINES:

I refer to the 'REVIEW OF THE ANIMAL CARE AND PROTECTION ACT 2001 CONSULTATION OUTCOME 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 6 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 dog, to control feral pigs (Petition no. 3515-21)

There remains three relevant e-petitions, for which there are 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 closed on 23<sup>rd</sup> 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<sup>st</sup> 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 in the community"*.

## **POINT 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 undertaken for the 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 (refer to evidence above). To quote from the Queensland Government Guide to Better Regulation May 2019, these include:

**Business Impacts**

Not all dogs respond to positive reinforcement and some need a mixture of both positive and negative reinforcement techniques (sometimes using devices like and E-collar or a prong collar). There are many reputable and experienced trainers who can rehabilitate dogs who have been otherwise difficult or impossible to train with positive reinforcement. Many large working breeds do not always respond to a high quality treat when in prey drive but they do respond very well to a mixture of training techniques. If you do not allow this to continue it will impact those trainers and their businesses’ in a negative way.

**Competition Impacts**

For example, how will this impact the wider dog training market as it is limiting options available to consumers via targeting selective training methodologies. As already stated all dogs do not respond to positive reinforcement. Many owners struggle to find a trainer who is able to help train with ‘reactive dog’. Many ‘working breeds’ have a high prey drive and a biscuit offered at the appropriate time just won’t work. They need more direction and a combination of both positive and negative reinforcement. Every action has a reaction and a consequence, it’s the same for the dog.

**Social and environmental impacts**

Responsible dog owners will not be able to safely take their dogs out for exercise resulting in negative impact on the dog’s welfare. There will be more complaints about dog related nuisances such as barking, as well as bored, frustrated dog’s getting loose. I enjoy taking my dog for walks everyday as it has many positive physical and mental health impacts for us both.

More dogs will be surrendered and possibly destroyed when the use of the prong collar could prevent this from happening. Not all dogs respond to positive reinforcement and

training methods. My dog went to many trainers as he became reactive after he encountered off leash dogs roaming the street (numerous times).

After being introduced and trained appropriately with the prong collar by a professional dog trainer I can safely walk my dog knowing I have full control of him. He is happy and enjoys his walks and is a well balanced and trained dog. Previously he pulled me over and dragged me breaking my foot when we encountered a loose dog. Since the use of this tool I have encountered loose dogs or dogs off leash who have ran at my dog, several small dogs have run at his legs and under him and he stayed calm. This would never have happened before on a flat collar.

The number of dog-related incidents is likely to increase due to unsafe restraint and control, dog bite injuries to owners and other dogs are also likely to increase. Every day I see more dogs off leash when they are walked with no recall, dogs that bark at other dogs (small dogs) who do not get a clear direction that this is unwanted behaviour. There are also many irresponsible dog owners who let their dog's approach other dogs stating their dogs are 'friendly' without regard for the other dog. These tools can be the difference in these situations and stop a dog fight.

#### POINT C

**Conclusions drawn regarding restraint-based tools, specifically the prong collar, have been made based on unsubstantiated research and biased 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 tools 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. 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 the community

This would generate a more comprehensive understanding of the use of training tools in behavioural modification and 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 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 the incorrect use of **any** tool (example a leash, flat collar, harness or halti or slip lead) has the potential to cause injury. It is also reasonable to state then that the **correct use of a prong collar does not cause injury to the dog**. I have used a prong collar for the last 2.5 years with my German Shepherd and he has **never sustained** any bruising, skin piercing to the neck. In fact, the prongs are not sharp but rounded. The use of the prong collar does cause pain and certainly does not make my boy fearful. He loves going for his walk, in fact the prong collar has reduced his fear based reactivity. My GSD is a much loved member of my family, well cared for and responsibly trained. I use a good quality correctly fitted Herm Sprenger collar and does not harm my dog. It allowed me to give a clear direction to my dog and for him to understand what is required of him. It is not designed to punish or do harm. He still gets plenty of positive reinforcement. It has changed my life I can now walk my dog without fear of him lunging or pulling uncontrollably when faced with a charging dog or a dog that barks and lunges. The prong collar actually applies even pressure around the entire dog's neck and therefore is a lot safer than a flat collar or a halti when you have a large breed who wants to pull you. It **does not apply** force over the trachea which a flat collar does if the dog pulls. We now walk well with other dogs, he is great as he knows what I want from him. It has been amazing, life changing and I used it under the guidance of a professional dog trainer. There is a lot of evidence which demonstrates that the use of a collar and prong collars when used correctly can have many positive outcomes for dog and owner. I would urge that you review all of the literature and consult dog trainers and owners who are using these tools.

The responsible use of these tools when used under professional trainer's guidance and a good quality collar can be a life changer.

Additionally, it is of great concern to myself that, as per wording of the bill above, the use of potentially **any and all** restraint-based tools is considered 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 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.

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

Personally, I would like to see the continued use of such devices when introduced by a professional dog trainer and appropriate safe high quality devices are fitted correctly and the owners are trained in the safe use to promote communication when training and walking. Any type of collar when used incorrectly or neglectfully has the intent to cause harm in the wrong hands.

Yours Sincerely