

Inquiry into the Animal Care and Protection Amendment Bill 2022

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Submitted by: Companions And Pets Party
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Submitter Comments:



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Dear Sir,

REF – PARLIAMENTARY COMMITTEES INQUIRY INTO THE ANIMAL CARE AND PROTECTION AMENDMENT BILL 2022

On behalf of the Companions And Pets Party (CAP), I wish to make this submission to the committee for consideration.

By way of background CAP is a newly formed Political Party which will be standing candidates for election in all State elections when these are held, as well as standing candidates for election in future Federal elections.

CAP's Mission Statement is as follows :-

*The **Companions And Pets Party (CAP)** supports your right to own companion animals and pets, and to engage in lawful pursuits with your animals. Your rights come with your responsibility for the health and welfare of your companion animals or pets.*

Whilst our party believes there are some sound initiatives contained in this amending bill, the Party is deeply concerned about the insertion of ch 3, pt 5 Division 5 which is proposed to be inserted after section 37.

For ease of reference, I have copied the said amendment below:-

Division 5 Possession or use of prohibited devices

37A Possession or use of prohibited devices

(1) A person must not possess any of the following devices (each a *prohibited device*) unless the person has a reasonable excuse—

- (a) a prong collar;
- (b) another restraint device prescribed by regulation.

Maximum penalty—30 penalty units.

(2) A person must not use a prohibited device on an animal unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

(3) In this section—

prong collar means a collar that—

- (a) is designed for use on a dog; and
- (b) consists of a series of links or segments with prongs, teeth or blunted open ends turned towards the skin of a dog so that, when the collar is tightened, the collar pinches the skin around the dog's neck.

restraint device means a device fitted to an animal for the purpose of restraining it.

Examples—

collars, leads, harnesses, muzzles, halters

The first area of concern surrounds the examples provided of “Restraint Device” CAP believes that this part of the amendment is poorly drafted, and would benefit from re-wording.

Looking at the general definitions of “restraint devices”, the most common definition is to “prevent, restrict or subdue movement for the primary purpose of controlling behaviour.”

Clearly, leads, collars, harnesses, muzzles and halters are more correctly defined as “Safety Equipment” as their primary purpose is to keep animals safe when being walked, travelling in a motor vehicle, or for training purposes and therefor protect the welfare of animals.

CAP requests that part 3 (b) of the amendments be re-drafted as follows:-

“**restraint device** means a device fitted to an animal for the purposes of controlling behaviour. A restraint device does not include safety equipment.

Examples of safety equipment-

collars, leads, harnesses, muzzles, halters

The second area of concern of the Division amendment relates to the use of prong collar. CAP believes a prong collar should not be used, nor available to, members of the public.

However, there are some dogs whose behaviour requires modification, and without that modification would otherwise face euthanasia. There are professional dog trainers who specialise in this area, and having the correct equipment to modify improper behaviour is essential, and actually leads to a better welfare outcome, than if this equipment is not available.

Animal welfare is of paramount importance to CAP, and is fundamental to our policies.

Consequently, euthanasia must be an absolute last resort.

CAP requests that part (2) of the amendment be changed to read as follows:-

A person, other than a licensed professional dog trainer, must not use a prohibited device on an animal unless the person has a reasonable excuse. A licensed professional dog trainer must hold a current license (issued by the Minister) for the use of a prong collar.

CAP thanks the committee for taking the time to consider our submission, if further information is required, please contact me.

Your truly,

John Hutchison
Chairman of Directors
Companions And Pets Party