

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

**Submission No:** 687  
**Submitted by:** Nathan Appleton  
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**Attachments:** See attachment  
**Submitter Comments:**

25<sup>th</sup> May 2022

Nathan Appleton, [REDACTED]

Dear Parliamentary Committee,

My name is Nathan Appleton, I am an owner of a reactive 2-year-old dog Amstaff named Ellie. We rescued her from the AWLQ and has lived with us for over 1 year. During our time with Ellie, whilst we were fostering her and following her adoption, I have worked with certified NDTF dog trainer Brittany Young from The Pet Girl and have also completed two community group training courses with That Dog School.

I am firmly against the proposed amendments to the *Animal Care and Protection Act (2001)* for three main reasons:

- 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 such as myself have not been afforded the opportunity to be consulted on the proposed amendments to the Act.
- b) Lack of community consultation means the impacts on the community have not been adequately assessed.
- c) Conclusions drawn regarding restraint based tools, specifically the prong collar, have been made based on unsubstantiated research and without consultation of key stakeholders.

#### **POINT 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 such as myself 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 approaches

- 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 wish to note that during the initial consultation process, conducted by the Department of Agriculture and Fisheries (DAF) and within the '*REVIEW OF THE ANIMAL CARE AND PROTECTION ACT 2001 DISCUSSION PAPER*' there was no mention of training tools, including prong collars and restraint devices.

I refer to the "*REVIEW OF THE ANIMAL CARE AND PROTECTION ACT 2001 CONSULTATION OUTCOMES REPORT*", prepared by the DAF and published in October 2021.

I refer to page 37 of the report, the 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 with 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 using all methods, including dogs, to control feral pigs (Petition no. 3515-21)

There remain 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 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 such as myself, 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.

Concerning the "*Animal Care and Protection Amendment Bill 2022 Explanatory Notes*", page 33, a 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) 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 was 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 several 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*, which includes:

### **Social and environmental impacts**

I am an owner of a large, muscular breed dog (Amstaff), and having the ability to appropriately restrain her in the community is invaluable to both the safety of my dog and those who we encounter on our walks. Having appropriate control of Ellie is important not only her safety, but is also a requirement of the Gold Coast City Council, which she is registered through.

The social importance of these tools provides owners not only with effective control but allows dogs to be mentally and physically fulfilled. By removing these tools you are not providing dog owners with etiquette tools to help protect dogs & their owners. A prong collar does not only provide restraint but it is something that is used to build the relationship between owner & dog.



Removing these tools, dogs like Elle will be unable to be successfully and safely walked, putting both of us at risk of not being able to walk past other dogs who may initiate or unsettle Ellie.

This will leave handlers struggling to manage the dogs, and be exposed to dangerous encounters that otherwise could have been avoided.

Finally, the dog community would be the most greatly impacted as these forms of restraints allow dogs to be rehabilitated for society and re-homing. By removing these tools, trainers will be unable to successfully complete their rehabilitation of overly reactive, aggressive or large/dominant breeds.

### POINT C

**c) Conclusions drawn 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 are 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 before drawing such conclusions, as the above statement demonstrates a lack of understanding of behavioural science and how 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
- Pet owners such as myself, who utilise these tools.

Consulting with these groups, *as a start* 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.

When we first started the training process, Ellie was fitted with a harness and also a flat collar. Under the supervision of our trainer, it was quickly apparent that there was a huge weight and communication disparity between Ellie and myself. In conjunction with this, Ellie also lacked confidence in public. This resulted in displays of over-arousal and reactivity when she encountered another person or dog. It was here that Brittany, our trainer recommended a prong collar.

As a dog owner who has been vigiently and successfully trained under the supervision of a professional trainer to utilise the prong collar safely and effectively, I can state that there has never been any harm or injury caused to Ellie by the use of her prong collar. Ellie shows pure excitement when her prong collar is bought our for each walk. This training toll has taken a overally aroused, anxious and shy dog to a confident, containable and well managed dog who can safely be restrained in public.

It is also a public misconception that because a prong collar is used as a form of punishment. This couldn't be further from the truth. Our trainer has worked using a motivational model. We have instilled Ellie with a verabal reinforcer (YES marker). She is rewarded with toy play, food play, treats, fun engagement games, verbal praise and personal play all as a way to help her learn, *whilst the prong collar is on*.

What the prong collar does provide, is a means to be able to keep her under effective control and provide clear communication when she encounters another dog that is over-aroused on a walk.

Over the past twelve months we have dedicated a substantial amount of time, to rehabilitate and provide Ellie with the life that she deserves. We believe that we are responsible dog owners, who would go to great lengths to ensure Ellie is happy, safe and mannered in public. These amendments would see that our efforts and hard work of rehabilitied a large, reactive recuse as crimilaised.

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 the legislation.

Based on the above, I would request that amendments to the use/availability/legality of tools, specifically the prong collar, 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 Faithfully,

Nathan Appleton