

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

**Submission No:** 693  
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**Publication:** Make my submission public but keep my name confidential  
**Attachments:** See attachment  
**Submitter Comments:**

30 May 2022



Attention: 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.

Our names are [REDACTED] and we own two German Shepherd Dogs (GSD). We regularly take our dogs tracking and have previously attended obedience courses and sheep herding courses. When sufficiently experienced we hope to compete competitively in tracking.

We are strongly against the proposed amendments to the *Animal Care and Protection Act 2001* (detailed below). The issues we have with the proposed amendments are summarised as follows:

1. Disappointingly, the government does not appear to have 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.
2. There has been a lack of community consultant. As such, the impacts on the community have not been adequately assessed.
3. Conclusions drawn regarding restraint-based tools, specifically the prong collar, have been made based on unsubstantiated research and without consultation of key stakeholders.

**ISSUE ONE**

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;
- 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 non regulatory approach;
- d) Adopting the option that generates the greatest net benefit for the community

The government does not appear to have followed its own best practice guidelines.

We 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. Page 37 of the report, in the section titled “Relevant E-Petitions” 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, listed below, were included as part of the initial discussion paper.

- 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)

Having been included in the initial discussion paper, stakeholders and the community were provided the opportunity to give feedback on these matters.

There remains three relevant e-petitions, listed below, 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. We 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 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 section titled “Consultation” at page 33 of the *Animal Care and Protection Amendment Bill 2022 Explanatory Notes*, the use of prong collars or any other restraint-based tools is in fact missing from the key consultation outcomes of the discussion paper.

We are very concerned that the following has been stated at page 18 of the bill, 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”*.

## **ISSUE TWO**

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 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). The effect to us personally includes heavy social and environmental impacts.

During our period of dog ownership we have consulted with five different dog training organisations in an effort to be educated and responsible dog owners and provide the best lives for our dogs. The tools used by each trainer were different and our dogs have responded to each piece of equipment differently. All of the trainers used some form of restraint-based device, whether that was a flat collar, a halti, a check chain, a pinch collar, a slip lead or an e-collar. Depending on the activity we are undertaking with our dogs, we rely on the use of one of these tools.

To not be able to utilise these tools would render us unable to take the dogs outside of the house. It is not just the pleasurable activities that would now be dangerous but also the most basic activities required for their general welfare, including trips to the vet and walking. Our older GSD is strong enough that when in a tracking harness we maintain a light jog to keep up with him. In the coming months our younger GSD will reach sufficient size that she too will also be capable of this. The restraint tools not only assist us to communicate effectively with the dogs, it allows us to effectively control them, particularly when in highly arousing environments. This ensures the safety of our dogs, ourselves and the community. To remove these tools from trainers and owners is dooming all but the smallest of dogs to rot in their respective backyards, with inadequate physical or mental stimulation.

### **ISSUE THREE**

Conclusions drawn regarding restraint based tools, specifically the prong collar, have been made based on unsubstantiated research and without meaningful consultation of key stakeholders.

We 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”.*

We would request a more comprehensive review of tools be considered prior to drawing such conclusions. The above statement demonstrates a lack of understanding of behavioural science. These training tools are most commonly used as a means of negative reinforcement, guiding the dog towards the correct behaviour, not punishment. Adequate consultation with at least the below key stakeholders would generate a more comprehensive understanding of the use of training tools in behavioural modification and the betterment of animal welfare.

- 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; and
- Members of the public who own pets or have pet dogs living in their community.

Page 3 of the bill states:

*Prohibiting inhumane practice*

*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. Page 25 of the bill then goes on to state:

*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. In the two years we have used a prong collar we have never seen evidence that our dogs has been at all harmed. We are more concerned about a possible injury as a result of our dogs pulling on their flat collars to the point they sound like they are choking themselves.

Additionally we are gravely concerned that the wording included in the bill is such that the use of potentially **any and all** restraint based tools is considered to be inhumane. We are particularly concerned by this wording given key stakeholders and members of the community have not been given room to provide feedback on this. By using this general wording it is possible in future for governments to one day make restrictions such that an owner would not be able to put any collar on their dog (where would we put their council registration tags?). It does not make sense.

Our understanding is that an individual can currently be convicted of animal cruelty for the misuse of any training tool. We would request that current and historical data on such convictions be cited and included in the consideration of amendments to regulation.

#### **Next steps**

Based on the above, we would request that amendments to the use / availability / legality of these training tools not be considered as part of the proposed amendments to the Act, until such time as the Government follows its own best practice process and the community is consulted on the proposed changes.

Yours sincerely

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