

Inquiry into the Animal Care and Protection Amendment Bill 2022

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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.

My name is Tracey Mammen. I am a professional Dog Trainer, and have been training full time for 6 years, and part time for many years prior. I completed a Government accredited Certificate 3 in Dog Training and Behaviour through the National Dog Trainers Federation. Prior to this qualification I have completed a Bachelor of Health Science, and an Advanced Diploma of Higher Education. In addition to coaching people to train their dogs, I have previously held positions as a lecturer in Health Sciences at tertiary level and am skilled at teaching people as both as part of a group, and as individuals.

I have trained a large volume of people in my role as Head Trainer in my business Adventure Paws Dog Training, and I rarely turn away a client. As result I am always getting referred challenging cases that other trainers don't want to take on due to the dog being hard to physically control, aggressive, or the case is too complex and they pass it to me as I enjoy the challenge. I regularly take on large dog breeds, aggressive dogs and reactivity cases that other people turn away. I tend to see many clients who are at the end of the line with their dogs. These are usually people who have already tried many different methods and have spent a lot of money in an attempt to gain effective control of their dogs, and are failing. I have the capacity to board dogs and train them at my property. I can safely house aggressive dogs, and large powerful breeds that are not accepted in other facilities. As a result I have developed a special skillset and a niche to work confidently with these challenging dogs. I am highly regarded amongst my peers, and most of my referrals come from word of mouth, and from a range of local vets, and local council Rangers/Animal Control staff.

Prior to becoming a trainer I was a dog training enthusiast competing in a number of sports, and attending seminars on a regular basis. I still attend seminars regularly, and have a large network of professionals that I communicate with regularly to ensure my skills are at the cutting edge. I compete in dog sports, and attend conformation shows. My life is dogs.

I have grown up with dogs as a part of my family lifestyle. My mother was a dog trainer at our local kennel club, and I spent my youth working in a dog boarding kennel learning from another respected dog trainer. I'm familiar with many styles and the different approaches to dog training.

I am strongly against the proposed amendments to the Animal Care and Protection Act

2001 (detailed below).

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 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

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 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

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”

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 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:

Limiting options for professional dog trainers means we cannot offer the quickest, most humane and most effective training practices. Many clients have a limited budget, time constraints or have limited physical mobility, or there may be a significant strength disparity between the dog and its owner. I have many clients who do not have the agility and steadiness on their feet to be able train their dogs easily. They may have a disability, be injured or elderly and cannot risk being pulled over. Outlawing the prong collar limits options for these people and means they cannot physically train their dogs safely. For people with time and budget constraints, and/or those have a lack of confidence and are scared of being pulled over by their dog, I need the tools that will help them achieve control of their dogs quickly so they can have success, gain confidence and get on with their lives. If they don't feel they can control their dogs well enough to achieve regular improvements in their training, they may quit. This would likely result in either leaving the dog in the back yard, trying to rehome or surrender it (difficult when most rescues are already at capacity and have long waiting lists) or euthanise it. Having an unruly or dangerous dog creates significant stress to owners, family members and the general public. It can become a significant liability.

Prong collars are a brilliant tool for quickly training a dog not to pull hard into a leash, and are a very clear and effective training tool. The owner generally doesn't need the prong collar for long, as once they understand the training principles, they can generally move on to other tools. However for some dogs and people, they will need it for long term management and safety. Removing prong collars from the toolbox significantly reduces my ability to help my clients. Imagine telling a plumber they were not allowed to use a trench digger, and that they had to use a shovel! What an inefficient way to work! How ridiculous. A trench digger doesn't injure anyone, and having one makes the job

easier. There is no sound evidence that correct use of prong collars injure dogs, only opinion based on a training ideology and extreme views. I would have thought that the Government would only propose legislative changes based on an **evidence informed decision**, rather than mere opinion. The lack of evidence to back this claim that is influencing legislative change is very disappointing and concerning.

Competition Impacts:

I am a dog trainer professionally. I own a 55kilo dog, who is 1.5 years old. His size and strength has increased at a fast rate. His training has not progressed at the same rate as his growth, as is often the case for many dogs. He is still learning to perform obedience tasks for sport, and for general handling in public areas, particularly in places that are filled with a high concentration of people and dogs. I use a prong collar in these settings. I do this because I'm confident that he understands it well, and it gives me better control. This means I can keep him, other competitors, and the general public safe. This dog is very well trained for his age, and will be very competitive in sports and obedience in the future. However if I have no access to the prong collar this will significantly impact the events I can attend and the timeline for his education and competition. He has no problem wearing it, as he understands it and knows how to find rewards with me. My aim is not to be competing sooner just for the sake of it. I just want to be able to train/trial my dog in public and still have control of him while he is learning. He's 55 kilos of energy and still has a baby brain. I need to be able to train him in the types of environments that he will compete in in the future. He appears happy wearing the prong and I can take him to events so that he is learning on the sideline, and preparing for the real life future. If I couldn't take him to events it makes it very hard to train him in the competition environment. He is a high drive dog, large and powerful and I am not a large person. The prong means I can keep everyone safe and him happy, on task and learning in the competition environment.

Social and environmental impacts:

Dog rescues are at capacity and most have extensive waiting lists. Many local pounds and rescues are full of untrained, unruly, large, working/hunting breeds, and dogs with behavioural issues. Without a variety of training options, many of these dogs are difficult to train and will fail. It might be ok for RSPCA to sell a dog, have it fail using their limited training methods so they can get it back and make money selling it again, but what about the poor dog, and the owners who don't have the resources to effectively rehabilitate these dogs? Why restrict training options? Surely a successful rehome is a better option than repeatedly failing.

Many people who currently find success using prong collars will not be able to walk their dogs. Dogs will suffer. Dogs will be surrendered, and how will that work if the rescues are already full? What about the time and financial commitments, and heart and soul that owners put into these dogs? There is too much to lose.

If all we have to restrain dogs are harnesses, then there will be so many more out of control dogs on the street it will be a nightmare and dangerous.

Prong collars are not required for every dog and handler but for many they are. What happens to these dogs/people?

Prong collars are not readily accessible to the general public. Most often you can only source a prong collar through a trainer. I would argue that people who go to the trouble of finding a prong collar and buying it (they are expensive in relation to other tools) are not getting it to abuse their dogs. They're usually people who have invested time, and money to get professional help to train their dog humanely and effectively. Or, they have never heard of a prong collar until their dog trainer recommended it to them because it is the best, most humane and most effective option for them.

We need to educate people and give them access to tools that help train their dogs so they can be safe and responsible, not limit their resources. People are trying to be responsible pet owners, not buying a tool to torture their dog. You can torture a dog easily by not giving it access to food and water and keeping it locked up. If someone is going to the trouble of learning to use a prong, they're trying to be responsible.

Removing training tools like the prong collar will result in out of control dogs in public which is annoying in the least and can be a significant safety issue. Leaving a dog in a back yard is torturous. Dogs need more than to be left rotting in a yard. Dogs being euthanised because they don't learn a certain way is outrageous. How is that an improvement to a dog's welfare??

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 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 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

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 **correct** use of the prong collar does not cause injury to the dog.

In my professional experience, I have lost count of the amount of dogs that have come to my training facility dragging their owners on a flat collar, gagging. The prong collar is designed to take pressure off the dog's trachea, and prevent choking. The prong collar sits higher on a dog's neck and the plate at the front of the collar makes sure there is no pressure on the trachea. It is a safer, kinder option and eliminates pressure on the trachea. When pressure is applied to the prong collar, it distributes weight evenly around the dog's neck, as opposed to a flat collar that puts pressure on the trachea when the dog is moving away from the lead. Flat collars tend to slip down the neck towards the dog's withers. An unskilled handler has trouble preventing this. With skill and training it is easy to take the pressure of a dog's lead and therefore the pressure of the neck. But it takes most owners a great deal of time and dedication (and often a significant financial commitment) to learn this skill. In the meantime, a correctly positioned prong collar will remain in position, giving the handler a much more substantial amount of EFFECTIVE CONTROL over the dog. They can then take less stress (for handler and dog) and time to train their dog to avoid leash pressure, and can usually transition back to a flat collar, slip lead and even a harness, from the prong very easily. Many owners only need the prong short term, until both handler and dog have the skills required to walk without the dog pulling into the leash and collar/harness etc.

I have also lost count of the number of dogs that drag their owners on a head halter. Head halters are promoted as the "most humane" along with harnesses. A dog's nose and muzzle is densely innervated and constant pressure over the muzzle is uncomfortable for the dog. I have seen dogs with missing hair and skin irritation from head halters. Unless the halter is introduced correctly and the dog given time to get used to it, the halter is one of the most aversive tools you can get. Yet it is promoted as one of most humane tools. Most people use a head halter incorrectly. I can count on one hand the amount of clients who have walked in with a dog NOT pulling into a head halter. When I remove a head halter, and put a prong collar on the dog, the dog ALWAYS looks relieved and the dog's body language clearly indicates this. I can then go about teaching the dog GENTLY how the prong collar feels, so they can get familiar with it. It is ALWAYS more readily accepted by the dog. I have never found a dog that is not willing to wear a prong collar, especially when the alternative is a head halter. The prong is not used to punish, rather to gently guide the dog towards the handler, and this is followed by release of pressure and positive reinforcement. When introduced to the dog this way in a calm environment it is very easy for the dog to understand and accepted quickly by the dog. I have seen many shut down, miserable and out of control dogs transform into a dog that wags its tail happily and can explore the boundary of the leash with freedom when wearing a prong collar, and best of all it can be under effective control. "Effective control" being the key phrase here. Now

safe learning can begin and the handler can focus on learning skills SAFELY without risking injury to themselves, the dog, or other members of the community.

Let's talk harnesses. These are also promoted by many as a humane method of restraining a dog. Well without first teaching the dog to remain with the handler (as should be done with any tool), the harness is the least effective for effectively controlling the dog. The dog can use its legs and body weight very effectively against the handler. Large dogs especially are almost impossible to control physically and effectively with a harness. You have no control over the dog's head, and the dog has the leverage and advantage to use their weight and power against the handler. With many dogs this is downright dangerous. Especially with dogs that can behave aggressively. You have no control over the head (and teeth). I have also seen many dogs who have skin irritation from pulling constantly into a harness. One client thought the lumps on her dog's chest were due to a food allergy. On closer inspection they were skin tags from constant rubbing from the harness. The dog in question was a small dog (French Bulldog) who the owner could not control on the harness and had a severe bite history – biting three people to the point that medical intervention was required. One man lost part of his finger to this dog. Using a slip lead or prong collar correctly would have given the owner a much better chance at effectively controlling her dog to keep the public safe, and it would have eliminated all skin irritation that resulted from pulling into the harness. Here is an example of how a prong collar could've improved the welfare of both the dog, the owner who was incredibly stressed (the impacts were felt through the entire family), and the general public who received bites from this dog. This is one of hundreds of examples I could give of dogs with chafing from harnesses, and not being able to be effectively and safely controlled.

Many would have you believe that prong collars are cruel and unnecessary. This is not factual. They are not cruel when administered correctly using negative reinforcement, paired with positive reinforcement. When the dog understands and is familiar with the collar, it is easy for the dog to understand the boundary of the leash, and it has opportunity to avoid ever feeling the prong collar. This is the same for any training tool. ANY tool can be used incorrectly. It is physically very difficult to injure a dog using a well fitted prong collar. The same cannot be said for flat collars and head halters (can cause whiplash).

It is of great concern to myself 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 regulations.

I would also ask you to consider the comparison of a horse wearing a saddle, bridle and bit.

A very skilled and dedicated horse trainer could probably train a horse to be ridden bareback, bitless and without reins. Some people will argue that this is the kindest way to ride a horse, and everyone should do the same. "Bits should be banned" cries the person with the extreme and righteous opinion. Just because some people can ride a horse bareback, without reins and bitless, does that mean that every other horse rider should be forced to use these methods? But not all horses, and riders are created equal. What happens in an emergency? How does one control a horse, without effective methods of restraint? It can be argued that a bit in a horse's mouth is uncomfortable. I can imagine this to be much more uncomfortable than a dog wearing a well fitted prong collar, and one that has been trained to understand how to stay with the handler using both positive and negative reinforcement.

If we take away the tools that are necessary for many people to gain control and start to effectively train their dogs, the welfare of those dogs and their owners will be severely impacted. Dogs will be euthanised. Families lose their pets, despite their best efforts to train them. More dogs will never get to leave their yards and will live a miserable existence.

I would like to offer you two more examples of how prong collars can improve the welfare of dogs, and that of their owners, extended family and the general community. In the interest of brevity I will limit it to two, but I have many more.

Case 1)

Elderly Gentleman, 80 years of age. Heart condition and recent history of falling. This lovely gentleman had recently had a fall when walking his dog, who he loved dearly and the dog had started to pull and become reactive towards other dogs on walks. It would also pull towards people to greet them. It was a small, muscular dog, a Staffordshire Bull Terrier mix. It was the man's closest companion. He was moving into a retirement village, and devastated that he couldn't keep his dog as he could not effectively control it any more due to his ailing health. He took his companion dog to the vet to be euthanised. The vet recognised that the dog was in fact lovely and just needed some training and the man needed some help, so they gave the gentleman my phone number.

He had struggled walking the dog on a harness, and was not able to get the head halter working for him. I recognised the safety issue and fitted a prong collar to the dog. I trained the dog in his home, as it was a neutral environment where the dog was calm. It took me one short session to show the dog to move with the collar to earn a reward. The dog took to it almost immediately and that same day, I had the gentleman walking his dog safely along the street. I showed him how and when to reward his dog so it would stay closer, and return to him when it came close to the end of the leash.

He was able to keep his dog and move into the retirement village with it. Had it not been for the prong collar, the dog would be dead and the man very lonely. Why label this man as cruel for using a prong collar? Why ban the tool that kept his beloved dog alive and living a happy life?

Case 2)

55 Year old lady, shoulder injury and pain caused by 50kg male Rottweiler lunging into the lead, chasing lights, moving objects like leaves blowing in the wind, and other dogs.

This lady and her husband love and care for their dogs and have previously over time successfully trained and lived with 5 other Rottweilers. However this particular dog was out of control despite their best efforts. She rang me in tears because her dog had broken his leash and chased a small dog that only just escaped. The dog had learned exactly how fast and hard it needed to lunge to best its owner. They had a head halter and a harness and still couldn't hold the dog when it erupted. Its fascinations with leaves, butterflies, lights and moving objects was very unpredictable and dangerous and the dog had become incredibly reactive, putting on an aggressive display with every dog it encountered. This was a great source of stress for the family and they had ceased being able to leave the house with their dog. The dog was progressively becoming unmanageable in the house due to the lack of exercise, and had begun jumping at the television. What life could they offer this dog if it was contained to a small yard? She could not effectively control the dog at all.

After a number of lessons using reinforcement based techniques, and trying to coach the lady in ways to move her body and to handle the leash to gain more control and effectively train the dog, I realised that she was not progressing. I decided to put a prong collar on the dog, and started rewarding it with food every time it turned toward me. I gently introduced the sensation of the prong collar and paired it with food rewards. The dog started to test how far it could pull into the prong, and I allowed the dog to decide when to turn back to me and I would then reward it. Within 5 minutes I had the dog walking calmly on the lead 5 minutes. The owner took the leash and walked her dog for the first time without and stress on either of them. She could now begin TRAINING the dog with rewards, SAFELY with EFFECTIVE CONTROL. The training was impossible before the introduction of the prong collar, because of the size/strength disparity between owner and the dog. NO other techniques worked for her. I could teach the dog without the prong collar, but there was no way this lady could do without it in the beginning. She would have ended up with an injury, and who know who/what else would have been hurt in the process. The dog is actually a lovely natured dog, but the lady had no way of handling the dog safely during early stages of training. Now she can walk the dog with and without the prong in many settings. In higher risk areas, I have recommended she always use the prong because of the strength of the dog, and its history of successfully overpowering her when it sees something it wants more than what she has to offer it. The dog and owner are still training with me and they are doing incredibly well, thanks to the prong collar. The dog willingly offers its neck to be fitted with the prong so it can go for a walk and be a happy, safe dog.

CONCLUSION

Based on the above, I would request that amendments to the use / availability / legality of 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.

Yours sincerely

Tracey Mammen