

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 Stian Berg and I am a professional dog trainer. I run a full-time dog training company in Melbourne, Victoria. My focus is on behaviour modification and rehabilitation of dog aggression. I am a member of the IACP – International Association of Canine Professionals. I also run dog training classes with Four Paws K9 training, one of four government accredited groups in Victoria.

Over the last four years I have worked with more than 500 dogs professionally. I am a balanced trainer, which uses all four quadrants of operant conditioning, and I have seen first hand the extreme limitations of positive reinforcement only training. While great for teaching puppies to sit, it has little to no effect in the early stages of behaviour modification. I am against the banning of any form of tool or training method – instead I am very pro education.

I am strongly against the proposed amendments to the *Animal Care and Protection Act 2001* (detailed below).

1. *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.*
2. *Lack of community consultation means 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.*

I will further detail each point below.

#1 – Going against your own best practice guide

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 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:



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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"

#2 – Lack of community consultation

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



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Government Guide to Better Regulation May 2019, these include:

Business Impacts

The banning of restraint based tools – including the prong collar – will have extensive impact on businesses such as mine. Many companies will be forced to turn away many dogs which exhibits excessive aggressive behaviour, as they cannot be controlled without these tools.

Competition Impacts

The people fighting the hardest to ban these tools are of a fanatical mindset. The so called "Positive only" and "Force free" dog trainers have a saying: *"Death before discomfort"*. That means they would gladly euthanise a dog, rather than correcting their undesirable behaviour (or even telling the dog "NO"). This speaks to how dangerous they are to both dogs, owners and pet ownership as a whole. This vehement mindset is also spouted perpetually by the corrupt organisation known as the RSPCA, who up until recently wouldn't even share the number of dogs euthanised by their organisation every year.

These "under the table" deals, and the lack of transparency around this recent ban proposal, is very suspect to me. It comes across as very shady and corrupt dealings, which is highly concerning.

Social and environmental impacts

The banning of restraint based tools – including the prong collar – will have extensive impact on businesses such as mine, and community safety as a whole. Many companies will be forced to turn away many dogs which exhibits excessive aggressive behaviour, as they cannot be controlled without these tools. That means less people will get help and many more dogs will needlessly die. Most aggression can be modified in a safe and controlled environment, however, without access to the proper tools to begin this process, there is little to no chance of making this happen.

There are people who are already dependent on these tools to be able to keep their dogs. And with these newly added proposals, these people will be criminalised and forced to give up their beloved pets. That is a big step towards a tyranny in my opinion.

#3 – Conclusions drawn regarding restraint based devices

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:



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- 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. (room here to insert professional experience / personal experience of using the tool).

Additionally 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 regulation.

In 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.

I have seen the prong collar in use and the immense positive effect it has had on dogs with severe behavioural problems. Those who claim fallacies such as: "it trains with pain and fear" - "it makes dogs more aggressive" - "it shuts dogs down" - "it is designed to stab the dog", have absolutely no understanding of how these tools work and how to use them appropriately. But instead of educating themselves on how they work, they just scream about banning them. I have no doubt they do this in order to force effective trainers with these tools, to become as ineffective at training as the anti-tool trainers are. They do not have a dogs welfare in mind – they're merely regurgitating a fanatical mindset.



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Banning prong and other collar use can also have unintended consequences. By eliminating the ability to create definite, enforceable, boundaries for a dog, eliminating prongs risks a generation of unruly dogs that will risk surrender after demonstrating behaviour that makes them unsuited to the human niche. This would inevitably lead to an overwhelming number of dogs being euthanized. Dogs who would otherwise have had the opportunity of being rehabilitated by a professional experienced in the use of all tools. Further, it will be difficult to see how law enforcement and military personnel will be able to work with dogs suitable for patrol work without any tools to control trained behaviours. Germany has had to pull nearly forty percent of its canines off the street because it eliminated the tools to manage them.

Banning is never a solution. Education is key. But also following best practices and hearing from experts in ALL areas of dog training (not just the ones who are opposed) is absolutely vital, in order to maintain a fair democracy.

Yours sincerely,

Stian Berg