

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

**Submission No:** 859  
**Submitted by:** International Association of Canine Professionals (IACP)  
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**Submitter Comments:**



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30th May 2022

State Development and Regional Industries Committee:

Mr Chris Whiting MP, Member for Bancroft, Chair

Mr Jim McDonald MP, Member for Lockyer, Deputy Chair

Mr Michael Hart MP, Member for Burleigh

Mr Robbie Katter MP, Member for Traeger

Mr Jim Madden MP, Member for Ipswich West

Mr Tom Smith MP, Member for Bundaberg

**RE: Animal Care and Protection Amendment Bill 2022 Inquiry**

Dear Committee Members,

Thank you for the opportunity to make submissions relating to the *Animal Care and Protection Amendment Bill 2022*. On behalf of the International Association of Canine Professionals (IACP), we implore you to **do not** enact legislation that prohibits or restricts the ownership or use of training and restraint devices in the state of Queensland; specifically, Clause 14 Division 5 37A Possession or use of prohibited devices as written in the *Amendment Bill* (page 17).

The IACP is a professional organisation dedicated to the education, development, and support of dog training professionals worldwide. representing over 2,400 members on six continents, in 40 countries - with active members in Queensland. Our members consist primarily of dog trainers and canine behaviour professionals (including military & law enforcement), as well as veterinarians, professional breeders, kennel owners, groomers, avid canine competitors, and other industry parties. We are committed to supporting legislation and standards that protect the welfare of animals in the care of our members and seek to assist the community to cohabit safely with their dogs.

Our members and non-member industry colleagues approached the IACP with two primary concerns in relation to the *Animal Care and Protection Amendment Bill 2022*:

1. Lack of community and industry stakeholder consultation
2. Impacts to community, clients, and livelihood

Subsequent to the media release and announcement on social media by Premier Anastacia Palaszczuck MP on Sunday 8th May 2022, we wrote to the Premier, the leader of the opposition Mr David Crisafulli, the Minister for Agricultural Industry Development and Fisheries Mark Furner MP, and the Queensland Parliamentary committee secretariat

outlining these concerns. We did receive a reply letter from Mr Dan McIntyre on behalf of Mark Furner MP on 20th May 2022 indicating that the recent review “considered relevant research, submissions, and petitions from members of the community about pronged collars, and the effective alternatives available. On balance, it was decided to amend the Act to prohibit the use and possession of pronged collars in Queensland”, that “importation of pronged collars into Australia is already prohibited under the *Customs (Prohibited Imports) Regulations 1956* (Commonwealth) unless permission has been granted by the Federal Minister for Home Affairs”, and that “Pronged collars are also banned in the state of Victoria” (your ref CTS 074363/22).

This response does not alleviate our concerns and we welcome the opportunity to make this submission to outline why.

### **Lack of community and industry stakeholder consultation**

The invitation for community consultation on the proposed changes to the *Animal Care and Protection Act 2001* in April 2021 **did not** include any intention to review ownership and use of restraint devices. At the time, the IACP largely agreed with the discussion points and did not feel compelled to make a submission based on what was being proposed.

The intention to review ownership and use of restraint devices appears to be first mentioned in the *Consultation Outcomes Report* published in October 2021, well after the deadline for submissions and relevant e-Petitions were closed. This report does not mention restraint devices in the *Additional issues raised during consultation* section starting on page 36. It does mention tethering animals as a concern noted in 21 written submissions, without referring to a specific animal or device. Restraint devices are only specifically mentioned in the *Relevant e-petitions* section, referring to:

- 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)

Therefore, neither the consultation discussion paper nor the outcomes report supports the assertion from Mr Dan McIntyre that research and submissions were considered in the review of ownership and use of restraint devices.

While the use of petitions is a valid method for members of the public to make formal requests to parliament and should be considered as part of legislative review, these petitions before parliament are subjective and seem largely crafted upon opinion. We ask for the science and evidence to be tabled to ensure decisions made can be supported by the industry.

We would like to take this opportunity to state that the central claims of the petitions listed above are false. Specifically, in her petition to Prohibit Prong Collar Use in Queensland (Petition no. 3530-21), principal petitioner Ericka McDermott states:

***Pronged collars can cause serious injury and pain to dogs.***

The prong collar was designed to reduce the surface area in contact with the dog, thereby minimising the amount of pressure required to communicate with the dog. The mechanics also ensure the pressure is evenly distributed around the dog's neck and away from the sensitive throat area. (6). Any restraint device misused can cause injury and pain. For instance, harnesses can cause abrasions, cuts, and gait impingement to dogs. It is unreasonable to prohibit the ownership or use of a device because the user does not know how to properly operate it, and anyone intent to cause injury and pain will not require any device to do so. Though visually prong collars may seem frightening, when used as designed they are one of the most humane ways of communicating with dogs.

***Pronged collars have metal spikes which are placed around a dog's neck to inflict pain especially when pulling on a lead.***

Not all pronged collars are metal, for example Starmark pronged collars are plastic, and the prongs are purposefully blunt (a spike is defined as "a thin, pointed piece of metal, wood, or another rigid material" (3)). As above, the collar was not designed to inflict pain, but rather to reduce the amount of pressure required and evenly distribute it in order to clearly communicate with a dog. It should also be noted that prong collars have a martingale style small chain or loop that connects each side of the collar, which prevents the collar from tightening excessively or dangerously - also known as "limited slip". A well-made prong collar, by a reputable manufacturer such as Herm Sprenger, works using negative reinforcement and/or positive punishment - both valid scientific quadrants in operant conditioning learning theory. Negative reinforcement (removing something to increase behaviour) activates behaviour by allowing the dog to control pressure. The prong collar acts as a barrier for the dog in drive by exercising pressure when the dog leans into it (pressure is not added by the handler). The dog then can remove the pressure by backing off the collar. This results in a "pressure-less" state which is then reinforced (proper position relative to the handler).

***Pronged collars are considered to be an abusive form of control based on pain and fear and cause dogs to become distressed, anxious, and aggressive.***

A correctly fitted prong collar in the hands of a trained handler eliminates all the fighting and nagging that can lead to distress, anxiety, and aggression. The science about the related stress is in the research paper *Comparison of Stress and Learning Effects of Three Different Training Methods: Electronic Training Collar, Pinch Collar and Quitting Signal* (1)

***Injuries from collars range from skin irritation and neck punctures to crushed and collapsed tracheas, spinal cord and back problems.***

Physical injuries to the dog can only occur when the tool is misused, which is true of any tool, or where an allergy to the material is present. Prongs are angled and blunt, never sharp, so neck punctures, collapsed tracheas, and spinal cord and back problems are not possible under normal conditions and proper use. We have information from books, presentations and statements from veterinarians and anatomy-specialising professionals that the prong collar is sound. The prong collar is one of the most humane ways of training a dog as it communicates clearly and allows the dog to control pressure and to be self-reinforced in the correct behaviour.

Prong collars are in fact conditionally recommended by the American Humane Association as a humane training restraint in certain situations “such as fragile or weak owner; dogs with fragile trachea”. (4)

Additionally, it has been implied that these petitions indicate overwhelming support for prohibition of ownership and use of certain restraint devices, the petition signatories (5) represent a very small percentage of the potential dog owning population of 1 million (2):

- Ban the use of shock collars on dogs (Petition no. 3526-21), 728 signatures or 0.07%
- Illegal to import - Prohibit the use of prong collars in Queensland (Petition no. 3530-21) 637 signatures or 0.06%
- Prohibit the use of choke collars in Queensland (Petition no. 3531-21), 484 signatures or 0.04%

It is evident that without proper community and stakeholder consultation, procedural fairness has not been considered and due parliamentary process has not been followed.

### **Impacts to community, clients, and livelihood**

Prohibiting or restricting prong and other restraint device ownership and use can also have unintended consequences. Leaving the legislation open for inclusion of other restraint devices - defined within Clause 14 as “a device fitted to an animal for the purpose of restraining it” with “collars, leads, harnesses, muzzles, halters” as examples - is of particular concern. This appears to open up any restraint device for regulation without notice.

Restraint devices are required for use under the *Animal Management (Cats and Dogs) Act 2008* and *Subordinate Local Law No 2 (Animal Management) 2011*. As well as keeping all dogs “under effective control” when in public, regulated dogs and decommissioned greyhounds are required to wear distinctive collars and/or muzzles. Enacting the prohibition to own or use a restraint device is in direct conflict with this.

Eliminating the ability to create definite, enforceable, boundaries for a dog, risks a generation of unruly dogs that will not be under effective control. Our dog training and behaviour professional members have clients that use restraint devices including prong collars. These are citizens of Queensland will be forced to make an impossible decision between the risk of prosecution and surrender or euthanasia of their dog.

Our dog training and behaviour professional members that work with pet owners, pounds, shelters, and rescue organisations on retraining and behaviour rehabilitation may be unable to continue their work to help people live harmoniously with their dogs. This service allows for people to adopt and rescue dogs with confidence that help is available if required. We predict an increase in euthanasia rates in pounds, shelters, and rescue organisations as a direct result.

Euthanasia of otherwise healthy animals takes toll on our veterinarians and euthanasia technicians - an industry already facing one of the highest suicide rates. Restraint devices keep dogs alive safe with owners that love them, and out of the pound/rescue system, or facing death.

Further, it will be difficult to see how military, law enforcement and security personnel will be able to work with dogs suitable for patrol work without any tools to control trained behaviours. The inclusion of “unless the person has a reasonable excuse” may be the intended circumvention for ownership and use of restraint devices like prong collars in these contexts, but in reality, we are faced with professionals that will not want to risk prosecution and the battle that may follow in seeking exoneration from such a charge. Not to mention that military, police, and security working dogs already deployed and trained using these devices are a significant financial investment that will go to waste if they cannot be utilised for purpose with those devices.

When Germany enacted a similar prohibition, they had to pull nearly forty percent (40%) of deployed canines back from work. This resulted in increased pressure on the remaining canine and non-canine teams working in the field.

### **Precedent in importation and elsewhere**

The statement that prong collars are already prohibited for importation was leveraged as precedent by both the e-petition no 3530-21 and Mr Dan McIntyre in his reply letter. These refer to Regulation 4(1) and item 10 in Schedule 2, of the *Customs (Prohibited Imports) Regulations 1956*, which states:

“Dog collars incorporating protrusions designed to puncture or bruise an animal's skin” (Schedule 2, item 10), ...is prohibited unless the permission in writing of the Minister or an authorised person to import the goods has been granted”

As established in the previous section, prong collars were not designed to puncture or bruise an animal's skin. Evidence is to the opposite, that they act on the nociceptive receptors of the skin to distribute pressure and prevent bruising. When an interested party sought clarification as to whether this legislation does indeed apply to prong collars following a media release in 2005, the response confirmed the wording used in the media release was a direct quote from the Acting Regional Director SA (Mr John Eldridge) and therefore personal opinion. It could therefore be argued that as they were not designed to puncture or bruise an animal's skin, prong collars are not prohibited to import.

Victoria's prohibition of prong collars was also cited as precedent by Mr Dan McIntyre. This was also enacted without proper community and industry stakeholder consultation. This led to Victoria enacting the most absolute ban we could find within the English-speaking world:

- Texas (USA) - “use ban”, only applies in cases of tethering
- Pennsylvania (USA) - “use ban”, only applies in cases of tethering
- One County within California (USA) - “use ban”, only applies in the cases of tethering
- Victoria (Australia) - where “use ban” is absolute in all cases and situations, including training

## Conclusion

The IACP does not support inhumane or dangerous training. As an industry leader, we recognise the need to protect animals, after all our motto is "In Safe Hands". We agree abuse of dogs and misuse of devices in the name of husbandry and/or training is a deplorable practice. We believe the existing animal cruelty legislation, proposed tightening of some definitions, and increased penalties will be sufficient to prosecute and stamp out inhumane and dangerous training, without the need to enact prohibitions or restrictions in owning and using restraint devices properly and humanely used by professionals.

Members of the IACP are subject to a Code of Conduct and have access to industry Best Practices and standards (7). We provide Certification Programs for dog trainers, including a prong collar knowledge assessment in partnership with Herm Sprenger.

As a professional association, we understand both the concerns of our members, and the concerns of the residents of Queensland. We do not support Clause 14 Division 5 37A as it is written. We would support re-writing or abandonment of Clause 14 Division 5 37A and would be grateful for the opportunity to have a representative from our organisation be a part of further reviews to the Animal Care and Protection Amendment Bill 2022. We also request that the IACP be considered as a key stakeholder and representative body for canine industry professionals and be invited to participate in discussions on determining standards and requirements impacting dog care and training, so that it may serve the intentions of the legislation without placing unnecessary restrictions on professionals, and thus limit their ability to serve their communities.

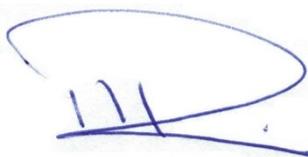
Respectfully,



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#### References

- (1) *Comparison of Stress and Learning Effects of Three Different Training Methods: Electronic Training Collar, Pinch Collar and Quitting Signal* <https://bit.ly/3DaMi4c>
- (2) Calculated on a population of approximately 4-million people, 58% are pet owners, of which 61% are dogs, source <https://petkeen.com/australia-pet-ownership-statistics/>
- (3) Google definition from Oxford Languages
- (4) The American Humane Association's *Guide to Humane Dog Training* (booklet), Appendix B Problems/Dangers in Use of Other Equipment
- (5) Petition information and signatory numbers <https://www.parliament.qld.gov.au/Work-of-the-Assembly/Petitions/Closed-EPetitions>
- (6) Third Way Canine Facebook post  
<https://www.facebook.com/thirdwaycanine/photos/a.825221620822352/2900092473335246/?type=3>
- (7) IACP position statements <https://www.canineprofessionals.com/position-statements>