

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

**Submission No:** 877  
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**Submitter Comments:**

Dear Parliamentary Committee,

Submission on proposed amendments to the Animal Care and Protection Act 2001

### **Animal Care and Protection Amendment Bill 2022**

#### **(Page 17) Division 5 Possession or use of prohibited devices**

In the section of 37A Possession or use of prohibited devices.

I support the prohibition of banning prong collars due to the harmful effects this device is used for. Even if so called used correctly by industry professionals 'claims, it's main purpose is designed as an aversive method to the dog. I would also include in the act banning devices such as e-collars, shock and bark collars that are used by the general dog owner. Most people are general dog owners that are using these devices incorrectly and even if trained correctly the tools still main focus is to use the items as an aversive tool with "positive punishment" and "negative reinforcement". (link to positive punishment/negative reinforcement explanation <https://www.dog-training-excellence.com/operant-conditioning.html>)

Link to article with explanation and Research studies outlined, on aversive methods and their effects:

[https://eileenanddogs.com/fallout-aversives-punishment-negative-reinforcement/?fbclid=IwAR2-qu5EE3OAgHgtrjCh-gR1IzFcOIbdptmcWMW\\_Vu7dj24jlr04-qazUio](https://eileenanddogs.com/fallout-aversives-punishment-negative-reinforcement/?fbclid=IwAR2-qu5EE3OAgHgtrjCh-gR1IzFcOIbdptmcWMW_Vu7dj24jlr04-qazUio)

The wording of restraint and restraint items is open to interpretation and needs to be more clearly defined. A definition of "restraint". A definition of "regulation". A definition of "restraint items" and what context, and A definition of "reasonable excuse" needs to be added to the act and also clarified in consultation with industry professionals so it is clear cut and not a blanket broad term that may be used out of context in regard to offences/fines.

Restraint items needs to be defined more clearly on why these are considered wrong to use in restraint and in what context. Is restraint used for "tethering" for restriction to a dog for long hours tied? If so, the word tethering should be used instead and in what context. Is the definition of restraint used with "tethering" where an animal may be left for "hours" using a tool that causes restriction of the animal that causes stress, pain and harm to the animal?

The terminology in the Amendment includes restraint items such as "Examples—collars, leads, harnesses, muzzles, halters"

Many of these items are used in daily practise as well as there are different definitions of restraints, so there needs to be more clear definition so persons cannot be wrongly accused by using these tools in daily practise and use. All tools can be aversive if used incorrectly and there is no argument

against that, however most science reward based trainers using the above general tools, focus on methods of positive reinforcement/negative punishment in combination with management (collars, leads, harnesses, muzzles, halters) to help with training. These general tools are not generally used for punishment purposes and are used for training and management, so there need to be clear definitions in regard to the acts definition on restraint.

Restraints is used in many ways which are not aversive but more for the protection of the animal, owners and community.

Eg. Restraint of the animal in animal veterinary, the restraint of an animal in flight or fight mode where it could be a danger or is in danger, restraint of an animal from escaping whilst walking and and protection for other persons and animals whilst on a collar/lead/harness or halter, tools used in dog training practises teaching recall with longlines, using leads, collars or harnesses in dog training classes to protect owners/and other animals/owners, use of collars and also harnesses with identification purposes, muzzles used to protect the animal and other animals/people if reactive or fearful or for vet practises.

There needs to be clear definition on what is considered a restraint in what situations the restraint is used that is prohibited, and what device is used as a restraint that has aversive effect to the animal and what is a reasonable excuse to use standard general equipment tools for your dog.

### **(page 9) Clause 5 Amendment of s 17 (Breach of duty of care prohibited)**

#### *Section 17(2), penalty*

Please increase the maximum penalty if there are multiple animals and more serious crimes. If there is more than 1 animal then penalties should happen per animal and there should be a more serious penalty. Make it more clear that this is per animal and each new animal will add more to their penalty units and imprisonment. There should also be a banning of life added into the act for owning any animals.

### **Division 3 Baits or harmful substances**

#### *36 Prohibitions*

*(1) A person must not, with the intention of injuring or killing an animal, administer to, or feed, the animal a substance the person knows is harmful or poisonous to the animal.*

*Maximum penalty—300 penalty units or 1 year's imprisonment.*

Why is the penalty for duty of care for death 2000 penalty units or 3 year's imprisonment when the penalty for this is a lot less. This is an intentional deliberate act to harm and cause death and should

at least have the maximum penalty the same as duty of care. Please increase the penalties for harming an animal. This is no different to them harming them by other physical means.