

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

**Submission No:** 1156  
**Submitted by:** [REDACTED]  
**Publication:** Make my submission public but keep my name confidential  
**Attachments:** See attachment  
**Submitter Comments:**

31<sup>st</sup> May 2022

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 [REDACTED] and I am a Nationally accredited Dog Trainer through NDTF (class of 2012) and have graduated with a level 4 advanced behaviour diploma through British College of Canine Studies in 2017. I previously had my own dog walking and training business called [REDACTED]. My current involvement within the dog industry is as a volunteer for one of the larger welfare organisations within Australia. I have volunteered for this organisation since 1998, and it was through this that I decided to gain qualifications in 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:

Social and environmental impacts:

As a volunteer for a welfare organisation the use of tools that are available to me are limited. This is the prerogative of the organisation and something that as a volunteer of such organisation I am dutifully bound to abide by. However that does not mean that I am unable to see the value of such tools. Many people on seeing a prong collar react to it with an emotional response, the dog does not. If used correctly as with any tool it can be a very useful device in training. What I see at the shelter is too many dogs that are euthanised due to behaviours that may be eradicated with help of a good trainer and the correct tools to help them. Surely animal welfare is giving the animal the opportunity to become the best it can be, by eliminating tools that are able to help them, due to lack of knowledge and understanding is not the way forward.

A prong collar for example is not the preferred collar of choice for your everyday dog, however those owners that are experiencing problems with their dogs behaviour may be led to seek one out. This means that these owners are likely to be trying to help their dogs, that is animal welfare. If you begin to start taking these options away then it is extremely likely there will be a rise in the number of dogs surrendered to the shelters. The dogs that need these type of tools to help with their behaviour issues are not going to pass a behaviour assessment to allow them to be rehomed. Euthanised dogs is not animal welfare.

For the owners of these dogs that require tools for training if you make it illegal to use these tools due to cruelty then basically you are asking them to make a discission to be labelled as being cruel to their dog while accepting a fine for their non-compliance, or having to euthanise their beloved pet, when in fact their only intention is just to help their dog and re-train or manage their behaviours.

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.

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 regulations.

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

