

Inquiry into the Animal Care and Protection Amendment Bill 2022

Submission No: 1173
Submitted by: [REDACTED]
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Attachments: See attachment
Submitter Comments:

31 May 2022

State Development and Regional Industries Committee

Dear Parliamentary Committee,

Re: 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.

Introduction

My name is [REDACTED] and I am a community stakeholder who is a dog owner and passionate about doing the best I can for my dog and giving her the best possible life. I've worked with a dedicated team of trainers to give our dog the best life and help us be the best owners we can be.

I've been a regular active participant in dog training classes over the past five years and attended dog seminars both with and without my dog.

Submission

I am strongly against the proposed amendments to the *Animal Care and Protection Act 2001* as outlined below.

- 1) The Government has not followed the Council of Australian Governments (COAG) Best Practice Principles for Regulation Making, refer Box 1, p. 5 'Queensland-Government-Guide-to_better-Regulation-May-2019'.**

As a key community stakeholder, I have not had the opportunity to provide feedback to the revisions of the Act based on outcomes outlined in the 'ACPA Review Consultation Outcomes Report'. While reference to the e-petitions were noted in ACPA report (refer, pp. 37-38), these inclusions which have now been added as changes to the proposed act have occurred without consultation with the community (including pet owners) and other impacted professions and industries (e.g., dog trainers).

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 its own best practice guidelines:

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, references "Relevant E-Petitions", refer p. 37.

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. The three 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. 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 but are now part of the proposed Act without consultation.

It is of concern that the following has been stated in the bill (refer, p. 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. Community impact has not been assessed due to lack of genuine consultation

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*".

Page 14 of the bill cites that: "*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, this includes:

- **Social and environmental impacts**

As an owner of a recovering reactive dog, the use of training tools such as the prong collar has been valuable in helping us with our dog in her recovery. We have been trained in the use of this tool and find it useful in helping with our dogs' behaviour.

3. Unsubstantiated research without consultation with key stakeholders in relation to conclusions regarding restraint-based tools, e.g., prong collar

With reference to p. 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 respectfully request a more comprehensive review of tools be considered prior to drawing such conclusions, as the above statement demonstrates a lack of understanding of how it is used in dog training and rehabilitation. Consultation with key stakeholders including but not limited to the following stakeholder groups would generate a more comprehensive understanding of the use of training tools in behavioural modification and the betterment of animal welfare:

- 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

With reference 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. Page 25 of the bill 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.

During the course of working with our trainers to help address our dog's reactivity, we use tools such as the prong collar and slip lead and have been trained in the use of these training tools. The use of the prong collar has been particularly helpful in the continuing recovery of our dog.

Additionally, it is of great concern to me that as per the wording of the bill above, the use of potentially **any and all** restraint-based tools is considered to be inhumane. This wording is especially concerning as members of the community such as myself and other key stakeholders have not been given the opportunity to provide feedback to revisions to the Act that have occurred after the consultation period had closed.

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.

4. Recommendation

With items raised in the e-petitions, I sincerely request that these items are reviewed in line with the COAG Best Practice Principles for Regulation Making and further consultation undertaken so that any further revisions

to the Act are based on a balanced view and undertaken in consultation with the community and impacted professions and industries.

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.

Kind regards,

A solid black rectangular box used to redact the signature of the author.