

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

**Submission No:** 1275  
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**Publication:** Make my submission and my name public  
**Attachments:** See attachment  
**Submitter Comments:**

Date 31/5/2022

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 Animal Care and Protection Amendment Bill 2022 (**the Bill**). I wish to provide feedback regarding the aspect of the Bill that proposes to ban prong collars.

My name is Karen Swan, and I have been part of the dog community for the last 45 years, including participating in competition obedience, flyball, and agility; volunteering at the ACT Companion Dog Club for many years as a Level 2 Instructor; working for 17 years as a Head Veterinary Nurse; and owning and running my own grooming salon for many years. I currently volunteer for a local rescue group fostering dogs, and run a behaviour assessment team that assesses dogs at the local pound in the ACT. The behaviour assessment team assess a variety of dogs that come into the pound as to their suitability to be re-homed and whether they can be rehabilitated. I attend professional development every year so that I keep up with the latest methods in dog training and behaviour management.

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

I have only recently become aware of the proposed amendments to the *Animal Care and Protection Act 2001* (**the Act**) under the Bill regarding banning prong collars, and believe that the Government has not followed its own best practice guide for the amendment of legislation, as comments on the proposed ban of prong collars were not specifically sought in the discussion paper setting out the proposed amendments to the Act that led to the Bill. Given these amendments could have far reaching affects, not only for Queensland but likely for other states and territories in the future, it is important that those involved in the dog community and the wider community have an opportunity to comment on the proposed amendments and put forward considered responses to Government. I do not believe this opportunity has been provided to date regarding the proposed ban on prong collars.

*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:**

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”*

I feel there has been a lack of genuine community consultation which is important for the proposed ban on prong collars as, in my experience, there are many owners and dogs within the community that use training tools such as prong collars safely and effectively, and banning these tools will take away the ability for some dogs to be under affective control, which could have impacts on the wider community.

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:

From my own personal experience I am at present training one of my own dog as both an assistance dog and to hopefully compete again (if my health allows – a great goal for me to have). I would like to have the option to use different tools and techniques, as required, and not be limited to any one methodology. Different tools such as prong collars are not only for behaviour modification but clarity in work and precise communication.

As a part of my role running the behaviour assessment team at the pound, I assess dogs that have had a very bad start to life - most of these dogs have not had adequate training socialisation and have been neglected in one form or another, so they need behaviour training and/or socialisation confidence building, and the like. Whilst positive training methods are always used, some dogs require further help with other training methods combined with positive reinforcement. This has to be worked on before they can be adopted so that, when adopted, the new owner can continue the work to turn them into good canine citizens and family members. This may require the use of prong collars, which I have personally experienced as an effective tool for a few of the foster dogs we have taken on. For example, a 60kg dog who is strong on lead and not food motivated requires training tools and methods other than just positive reinforcement. Sometimes this may only be a

short-term use of an additional training tool, such as a prong collar, and sometimes it is needed long-term.

I know of several dogs where the use of an additional training tool, including a prong collar, has meant the difference between successful behaviour modification and euthanasia. In my experience, if we were not able to use different methods of training, including a prong collar on some occasions, there would be many dogs that would have to be euthanised – which is ultimately more inhumane and unfair on the dog as their behaviour when they first present to us is usually due to lack of their previous owner putting in the responsibility, time and effort involved in owning a dog. Their behaviour is not the dog's fault – it doesn't know how people expect it to behave. If we are unable to help these dogs, it would put a huge burden on the pound in cost, time and welfare of both the dog who has to be euthanised and the welfare of staff who inevitably have to be the ones to make hard decisions about euthanising the dog and hold the dog whilst being euthanised.

I also see many dogs in the community where the owner has had a dog with a behavioural issue of one kind or another. The owner has taken the right steps, including seeking experts in the field to help to ensure the dog is under effective control whilst out in public – this may include prong collars under the advice of a trained professional. The welfare of the dog must be a consideration and not being able to take your dog out in public or for adequate exercise and fulfilment leads to added pressures on the dog and the community; and potentially further public resources when Rangers are needed to investigate complaints about nuisance barking or dogs breaking out of their owner's property due to boredom and frustration.

I also feel that there have been conclusions made regarding prong collars and other training tools that have no actual scientific basis. There has been no consultation with experts in the field of training that have real life experience with these tools with evidence of their effectiveness. Watching hundreds of dogs in high end Obedience who work very willingly and with happy body language cannot be wrong. Military and law enforcement dogs who also work with enthusiasm whilst being on a prong can't be wrong.

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 regulation.

In conclusion, I believe that the proposed amendment under the Bill banning prong collars should be reconsidered and, at the least, genuine community consultation should be conducted on this issue before implementing the ban, given how a complete ban on prong collars could have real ramifications on rescue organisations – including their ability to rehabilitate dogs in a timely manner so that they are not languishing in kennels or being euthanized unnecessarily due to restraints on training equipment or methods.

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.

Thank you again for the opportunity to comment on the Bill. Please contact me via phone or email if you require any further information regarding my submission.

Yours sincerely

Karen Swan