

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

**Submission No:** 1278  
**Submitted by:** Maggie Scarvell  
**Publication:** Make my submission and my name public  
**Attachments:** See attachment  
**Submitter Comments:**

31<sup>st</sup> May 2022

Maggie Scarvell

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 Maggie Scarvell, I have been a professional in the dog training industry for almost a decade since gaining my Certificate III in Dog Behaviour and Training through the National Dog Trainers Federation in 2012. I currently operate two dog training businesses in south east Queensland (Adaptive K9 & The Good Dog Project) which offer private and group training options to assist dog owners to train their dogs. Most of my time in the industry I have been employed as a full-time pet dog trainer, providing class instruction, private in-home coaching, and practical training for boarding programs. I have worked with a wide range of clients and dogs and am experienced in puppy training, developing obedience, and overcoming behavioural issues. In the last ten years I have routinely sought to better my own understanding of dog behaviour and training through the regular attendance of seminars and workshops, I also travel to meet and learn from other trainers as often as I can and work to upskill myself by developing my own dogs training as a hobby.

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

1. My concerns are that the government has not followed its own best practice in implementing these changes to the act, they have not allowed for proper community consult and has not allowed industry professionals to offer insight at all on the matters raised.
2. This lack of consultation means the higher order consequences of these changes have likely not been properly assessed.
3. I believe the consultation carried out did not allow for key stakeholders to raise valid points regarding this and other restraint-based tools. As such, the conclusions drawn are unreliable at best.

**Point 1: My concerns are that the government has not followed its own best practice in implementing these changes to the act, they have not allowed for proper community consult and has not allowed industry professionals to offer insight at all on the matters raised.**

*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 23<sup>rd</sup> 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 21<sup>st</sup> 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 2: This lack of consultation means the higher order consequences of these changes have likely not been properly 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:

**Business Impacts**

The nature of my work means that I regularly work with dog owners struggling to manage their dogs behaviour, while equipment alone will not solve an issue that requires training, having various options available to find the best fit for the team and situation is vital. The prong collar can make all the difference in a situation where there is a weight to power imbalance between a handler and their dog or where the handler has low confidence in managing the dog. I pride myself on working hard to find the path that helps the person help their dog, my concern is that there will be people I can't help with my equipment options restricted.

## Social and environmental impacts

I hold genuine concerns for wider implications blanket tool bans could create. In Australia, prong collars are most often provided to the public through a trainer, and due to the stigma surrounding the collar are often times an owners last resort after trying other equipment options. Additionally, in situations like I mentioned above, where the dog may be significantly powerful in relation to the handler, or the handler may lack confidence with the dog, removing a tool that allows these owners to make a start in training may mean they never start. Many people train past the use of the tool eventually, but the prong collar can be a valuable jumping off point in training.

My concern is that people that have had the confidence to manage their dog on the prong collar, will instead feel unable to take their dog out and off property, or in some cases may have to consider euthanising the dog.

**Point 3: I believe the consultation carried out did not allow for key stakeholders to raise valid points regarding both the prong collar and other restraint-based tools. As such, the conclusions drawn are unreliable at best.**

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. In my experience training pet dog owners how to utilise the prong collar in their training, people are generally very aware of how they are using this tool on their dog and surprised at the lack of physicality required to manage and guide the dog with the lead (opposed to managing their dog on a collar or harness).

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.

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,

Maggie Scarvell