

Inquiry into the Animal Care and Protection Amendment Bill 2022

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Yani Botha

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.

1. My name is Yani Botha and I am a nationally accredited dog trainer with a Certificate 3 in Dog Behaviour and Training from the National Dog Trainers' Federation (NDF). I have worked for two years at Oz Wagtails Pty Ltd as Dog Daycare Attendant and Digital Marketing Coordinator, as I also have my Bachelor's in Mass Communication from QUT. With my working line German Shepherd, I have also been a member of the Metro Dogsport Club that train in IGP Dogsport (obedience, tracking, control work) in Bulimba twice weekly and in Morayfield on Sundays. Metro falls under the WGSACA (Working German Shepherd Dog Council of Australia) and WUSV (Weltunion der Schäferhunde) organisations. These organisations dedicate their life's work "on stressing the importance of responsible dog ownership through training, education and the holding of trials and seminars". I am also a member of the GSDCQ – German Shepherd Dog Council of Queensland – under which I have titled in the ANKC sport of sheep herding. Lastly, I am a member of the NEGRC – Northern Exposure Gig Racing Club – in which I train my dog for bike and scooter dryland sledding events.

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

2.
 - 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 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:

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”

b) Lack of 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:

This decision to ban prong collars and potentially any other devices the government sees fit in that instance will hugely impact the level and quality of service canine industry professionals like myself can offer. Prong collars are widely used by educated and balanced dog trainers in many aspects of training – everything from pet dog loose leash walking, strong dog / weak owner safety protocols, competition precision sport work and behavioural modification like addressing reactivity and aggression. With the prong off the list of potential life-saving tools a trainer has on offer when working with a dog, there is an increased chance that the dog will not be able to overcome its behavioural issues or situation. It takes choices away from trainers but it also takes agency from dedicated sport handlers and pet dog owners that consider their dogs family and have made training plan decisions based on the professional opinion of their trainers and community recommendations.

On top of this banning an incredibly humane, effective training tool impacts public safety in terms of safe management of dogs in the community. Appropriate mental and physical stimulation for dogs is paramount to their overall health and welfare – something which will 100% be impacted if people cannot use their incredible tools which give them the safety and freedom/control to exercise their high prey drive dog without risk of dangerous chasing/lunging behaviours. Or those with large and giant dog breeds that need a safeguard to keep their dog from bowling them over or across lanes of traffic. Service dogs (Assistance, police, detection and military dogs) will also feel the negative ramifications of tool bans as

these capabilities keep individuals or communities at large safe and use tools to safely, effectively and humanely work their dogs in highly arousing environments. Others use this tool to address aggression and prevent dog attacks on children, wildlife, livestock, domestic pets and the public. Not being allowed to use this equipment for safety, control and good behaviour will lead to serious consequences – all of which are a welfare concern where the dogs are the ones who lose. Dogs will die. Dogs will be forced out of loving homes into rescue. Good pet owners and highly skilled dog industry professionals will be labelled cruel for prioritising dog and public safety, public control and canine good citizen behaviour.

Nobody is saying cruelty to animals is okay.

We are part of this industry because we are passionate about dogs, we love them and we want to help them succeed in our modern society. There are many current welfare issues that the government would be well within their rights to ban or punish harder. As someone who works with hundreds of dogs in daycare per day, and sees our grooming customer dogs daily too, every day there are serious welfare concerns. Things like overgrown nails so long they affect the mobility, gait and structure of dogs' feet. Like nails so long they are curling and growing back into the animal's paw pads. Things like diseased teeth and infected jaws with tooth loss and decay from cheap supermarket dry food with no nutritional value – essentially McDonald's for every meal of the animal's life... Things like broken or otherwise ruined limbs left to hang instead of amputation or even consultation. Things like chronic ear infections and morbid obesity impacting lifespan, quality of life and general demeanour. The list goes on.

This list does not include those who invest education, time, effort and a great deal of money into improving the behaviour and thus the lives of dogs. Those going above and beyond for their dog to give it the tools they need to thrive in our busy world. Prong collars give dogs control and the public safety. But they also give the opposite – they give the dog freedom.

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. I have used the highest quality prong collars on client dogs, my own personal dogs, work dogs without any negative experience. In fact, these dogs were afforded far greater freedom due to the incredible and fair head control which means dogs previously unable to leave the house for months at a time due to aggression, reactivity, or extreme behavioural issues like car chasing, kangaroo lunging or lead pulling could experience the world in a safe manner and be given a new lease on life thanks to this life saving piece of kit.

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.

3. Intended Action

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.

Education on best practice is key to affecting real change in any welfare issue regarding dogs. Please do what is best for dogs that need a little help. If you have only ever owned or walked a Maltese, Cavalier King Charles Spaniel or Shih Tzu... you truly do not understand what it's like to live with a dog that is equal parts driven, energetic and powerful. The community is ready to welcome you with open arms if you are ready to accept that some dogs benefit immensely from the use of humane and effective tools like prong collars.

Yours sincerely,

Yani Botha