

Inquiry into the Animal Care and Protection Amendment Bill 2022

Submission No: 1374
Submitted by: [REDACTED]
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Attachments: See attachment
Submitter Comments:

State Development and Regional Industries Committee

Dear Parliamentary Committee,

Submission on proposed amendments to the *Animal Care and Protection Act 2001*

I thank you for allowing me the opportunity to make a submission regarding the proposed amendments.

I have been working with dogs for the past 9 years in an animal shelter, a dog rescue organisation and a boarding kennel. I have been a foster carer for many dogs and adopted my last 2 dogs from animal shelters in Queensland. I have a keen interest in dog behaviour and training as a way to further the welfare of dogs, specifically those with behaviour issues. Having completed the Certificate III course through the National Dog Trainers Federation and through ongoing study, I am now working diligently with my current dog who has extreme prey drive.

I am strongly opposed to the proposed amendments to the Animal Care and Protection Act 2001 (as summarised below)

- 1) The Governments best practice guide for amending legislation has not been followed in this instance. The consultation process for the wider community and affected stakeholders has not been enabled with regard to the most recent proposed amendments.**

 - 2) Without community consultation, the effects on the community and animal welfare cannot be sufficiently evaluated should these amendments go ahead.**

 - 3) The assumptions that have been made regarding restraint-based tools, specifically the prong collar, have not been substantiated with validated research. Without consultation of key stakeholders there has been no opportunity to provide further information regarding these tools and their correct application.**
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- 1) The Governments best practice guide for amending legislation has not been followed in this instance. The consultation process for the wider community and affected stakeholders has not been enabled with regard to the most recent proposed amendments.**

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:

In the “REVIEW OF THE ANIMAL CARE AND PROTECTION ACT 2001 CONSULTATION OUTCOMES REPORT”, prepared by the Department of Agriculture and Fisheries that was published on the 21st October 2021.

I refer to page 37 of the report, section titled “Relevant E-Petitions”.

It is noted 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”*.

Three of these petitions were included as part of the initial discussion paper which allowed the community and key stakeholders the opportunity to give feedback on these matters.

The three relevant petitions are listed 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)

The remaining three relevant e-petitions, were not listed in the initial discussion paper that allowed for feedback:

- 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)

All three e-petitions listed above closed on 23rd May 2021 and were made to the Hon. Mark Furner. 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.

Since the closing of these e-petitions and for feedback on the ACPA review, there was no opportunity given to the community or affected stakeholders to be consulted on these matters.

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 not mentioned in the key consultation outcomes of the discussion paper.

Referring to page 18 of the bill, I am particularly concerned about the following statement considering there has not been sufficient consultation;

“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) Without community consultation, the effects on the community and animal welfare cannot be sufficiently evaluated should these amendments go ahead.

The “Queensland Government Guide to Better Regulation May 2019” on page 4 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”.

As the wider community have not been consulted on the proposed banning of restraint-based training tools, the considerable impacts on the community as well as animal welfare have not been able to be conveyed. I refer to page 15 of The Queensland Government Guide to Better Regulation May 2019, which considers the impacts on the wider community. I have listed a few examples below;

Business Impacts

Day to day management of dogs in shelter’s, veterinary practices and boarding kennels are all reliant upon restraint-based tools for the safety of dogs and staff. Imposing restrictions of tools would considerably limit the quality of services as most duties would require more time and staff.

Competition Impacts

If training tools are removed, a one size fits all approach will dominate the dog training market which cannot be applied to the vast array of dog sizes and breeds. Consumers needing to provide their dogs with adequate fulfillment would be severely limited in finding options to properly care for their dogs.

Social and environmental impacts

The number one reason for the majority of euthanasia’s of dogs that I have witnessed, are due to behavioural issues. The removal of restraint-based training tools would mean a significant increase in adult dogs that would be surrendered and euthanised as owners would no longer be able to provide the adequate care for their dogs or be able to manage their dogs safely in the community. As a result of a lack of mental and physical fulfillment, it is probable that there would be a significant increase in dog attacks in the community and on wildlife. Animal shelters and rescue organisations would be put in the position of not being able to rehome the vast majority of dogs that would come into their care.

3) The assumptions that have been made regarding restraint-based tools, specifically the prong collar, have not been substantiated with validated research. Without consultation of key stakeholders there has been no opportunity to provide further information regarding these tools and their correct application.

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 to be considered prior to drawing such conclusions, as the above statement demonstrates a lack of understanding of behavioural science and how training tools are most commonly used in the correct manner. 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

This 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 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 then reasonable to state that the incorrect use of **any** tool (for example a leash, flat collar, halti's, bridles or a harness) have 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 do not use a prong collar but I do use restraint-based tools to train and walk my dog.

I have observed numerous well trained dog handlers use prong collars on dogs as an effective communication and training tool. After researching and listening to expert dog trainers specifically about the correct use of prong collars, I have a better understanding for how this tool works. My hope is to enlist the help of an experienced trainer to teach me how to use a prong collar correctly and improve my handling and training of my high prey drive dog.

I am concerned by the wording of the bill above, the use of potentially **any and all** restraint-based tools is considered to be inhumane. Especially as members of the community and key stakeholders have not been given an opportunity to provide feedback on this.

Conclusion

In accordance with best practice process, I would request that the amendments regarding training tools not be considered until such time as the community and affected stakeholders are consulted on the proposed changes and have the opportunity to discuss the impact on animal welfare with regards to these matters.

Thank you for your time and consideration.