

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

**Submission No:** 1376  
**Submitted by:** [REDACTED]  
**Publication:** Make my submission public but keep my name confidential  
**Attachments:** See attachment  
**Submitter Comments:**

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State Development and Regional Industries Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

Wednesday, June 1<sup>st</sup> 2022.

Dear Sir / Madam,

**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.

I am a current financial member of Dogs Queensland and Animal Care Australia. My late Father was a veterinarian, and my family were heavily involved in breeding purebred dogs, showing and dog sport trials. I have either bred, trained, or exhibited dogs over a period of 35 years.

My introduction to the dog world was showing Great Danes bred by my family. In my teens, I competed in working sheep and cattle trials with Kelpies and Border Collies. When I moved to suburbia to pursue my ICT career, I continued my interest in dog training becoming a dog obedience instructor for Obedience Clubs and Dog Training Schools.

I have assisted many people and dogs over the years to develop enhanced bonds with their dogs and resolved many behavioural issues through training.

Within the dog community, specifically German Shepherds, I have been a strong and vocal advocate for responsible dog ownership, ethical preservation breeding, and training. Currently, I am training German Shepherds for tracking and scent detection trials.

I am strongly opposed to the proposed amendments to the Animal Care and Protection Act 2001 for the following reasons:

- a) **Best Practice for Legislation Amendment:** The Government has not followed its own best practice guide for the amendment of the 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.
- b) **Community Impact:** Lack of community consultation means the impact on the community has not been adequately assessed.
- c) **Unsubstantiated Research:** Conclusions drawn regarding restraint-based tools, specifically the prong collar, have been made based on unsubstantiated research and without consultation of key stakeholders.

### **Point A: Best Practice for Legislation Amendment**

The Government has not followed its own best practice guide for the amendment of the legislation.

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 three relevant petitions below:

- Make suitable shelter mandatory for all farmed animals (Petition no. 3499-21) – 1300 signatures
- Tethering of dogs must be prohibited (Petition no. 3501-21) – 2178 signatures
- Continue the use of all methods, including dogs, to control feral pigs (Petition no. 3515-21) 5650 signatures.

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) - 728 signatures - .
- Illegal to import - Prohibit the use of prong collars in Queensland (Petition no. 3530-21) - 637 signatures
- Prohibit the use of choke collars in Queensland (Petition no. 3531-21) – 484 signatures.

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.

Furthermore, according to the RSPCA there were over 29 million pets in Australia in 2019. Dogs were the most common pet at 40%. It is reasonable to state that during COVID lockdowns this figure would have increased with more people purchasing dogs during this time. If the Queensland population is currently 5,279,255 (QLD Government Statisticians Office) it is reasonable to conclude from the RSPCA dog ownership statistics that 2,096,208 (40%) QLD residents own dogs. Without taking account of an increase in dog ownership from the pandemic, I find it incredulous that the Government would pursue a ban on a training tool that only 0.003% of the Queensland population indicated support for a ban via Petition no 3530-21.

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 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 B - Community Impact:**

Lack of community consultation means the impact on the community has 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 several 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**

The adverse impacts to business with the proposed ban of restraint-based tools include:

- a) Increased business costs
- b) Changes in work practices
- c) Limits the way a business operates
- d) Limits the ability of a business to respond to the changing demand of consumers.
- e) Limits skill development.

Increased business costs associated with business continuity following the ban of any restraint-based training tool on a dog will impact a significant number of professional dog trainers, security dog handlers, pet groomers, dog rescue organisations and service dog handlers.

Changes in policies and procedures following any restraint-based training tool ban to mitigate workplace risk when working with dogs and to align with legislative requirements will impact veterinarians, professional dog trainers, security dog handlers, pet groomers, dog rescue organisations and service dog handlers. This will also have a causal sequence effect with the way the businesses operate to serve their respective customers appropriately.

From a training perspective, every dog is different, and training is a consistent work in progress. Consequently, dog trainers, security dog handlers and service dog handlers require a toolbox of methodologies and training tools to be able to achieve desired outcomes in training for each individual dog and their owner. Banning restraint-based training tools will limit the ability for dog trainers to respond appropriately to the changing demand of their customers based on the individual training requirements for their dogs.

This is particularly significant currently with the increased demand on experienced trainers to service dog owners with reactivity and behavioural issues arising out of the pandemic. During COVID lockdowns, there was an increase in the number of puppies purchased. Lockdowns prevented new dog owners from providing puppies with the early socialisation and training required for young dogs to mitigate reactive behavioural issues as adults.

Banning restraint-based training tools to align with one dog training methodology also significantly retards the skill development for all dog trainers and handlers. It also does not take into consideration the individual needs of a dog and their owner serviced by professional dog trainers.

### **Competition Impacts**

Banning restraint-based training tools will impose restrictions that reduce the range, quality or availability of goods and services in the market for dog owners. As previously stated, there is no “one size fits all” training tool or methodology that can be applied to dog training owing to the individual natures of dogs and their owners.

Business impacts and competition impacts are intrinsically linked. Increased costs for businesses servicing dog owners arising from banning restraint-based training tools will increase the price for training / behaviour and therapy services for dog owners within the community. Increases in price for training will subsequently increase the cost of dog ownership forcing vulnerable community members (economically disadvantaged, elderly, disabled or mentally impaired) to surrender their dogs to be euthanised.

### **Social and environmental impacts**

As stated in the National Survey of Pets and People conducted by Animal Medicines Australia (AMA) in 2019:

*“There is increasing evidence demonstrating that positive relationships with animals – as pets, companion, or assistance animals, or as work colleagues - benefits our physical, mental and social health and wellbeing. In our legal systems, our schools and in our social services, animals are providing a calming and caring presence.”*

From a social and environmental impact perspective, banning restraint-based training tools for dogs will:

- a) Reduce public health and safety.
- b) Constrain fundamental rights and freedoms of individuals.
- c) Restrict basic community services and/or access to these services.
- d) Impact damage to flora, fauna, or biodiversity.

Banning restraint-based training tools will have a significant impact on constraining fundamental freedoms for individuals, public health, and safety.

It is well established that some of the clear benefits of dog ownership on their owner's health include improved physical fitness, cardiovascular health, psychological health, and dogs acting as social enablers.

Banning restraint-based training tools for dogs will deny all members of the community the ability to:

- a) Comply with local council laws that require dogs to be under control and leashed within public areas unless they are in a designated off-leash area.
- b) Enjoy the benefits of improved fitness and wellbeing from regularly exercising their dog.
- c) Reducing isolation from actively socialising with other dog owners.

Members of the community who will be most adversely affected will be the elderly, disabled or physically disadvantaged adults who rely upon restraint-based training tools to effectively control their dogs in public. Furthermore, it will place significant restriction on their freedom to choose what breed of dog they are able to own which is discriminatory.

From a safety and welfare perspective, it is irresponsible to propose bans on restraint-based training tools when there are increasing incidents of on-leash dogs being attacked by out-of-control off-leash dogs.

The community of Toronto in Canada strongly objected to the constraint on their fundamental freedoms, public health, and safety when their City Council banned the use of prong collars and choke chains on March 1st, 2017. Within weeks the Council repealed the ban because of strong opposition from key industry stakeholders and the community. The repeal has not been rescinded to date.

As previously mentioned, increased time and costs associated with professional dog training arising from bans on restraint-based training tools will negatively impact:

- a) Basic community services and/or access to these services
- b) The prevention of damage to flora, fauna, or biodiversity.

Examples of basic community services that will be impacted from the rising costs of training include:

- a) Guide Dogs for the Blind.
- b) Emotional Support / Intellectual Disability Support Dogs
- c) Story Dogs program assisting children to improve their literacy.
- d) Aged Care Therapy dogs.

Similarly, increasing costs of training dogs to protect flora, fauna or biodiversity will also be negatively impacted. Examples include:

- a) Wildlife Conservation Dogs
- b) Department of Agriculture detection dogs stopping pests and diseases entering the country.
- c) Noxious Weed Detection Dogs

The Welsh Government is yet to find a solution to reduce stock losses following their ban of electronic collars as a training aid to prevent dogs from attacking sheep.

The Welsh Government banned electric collars in 2010. Since the ban, sheep farmers are suffering four times higher losses in livestock and dogs are being shot by farmers. There are now calls for the ban to be lifted in Wales. As a result, Scotland has decided against banning electronic collars as a restraint-based training tool for dogs to prevent livestock deaths within their country.

### **Government Impacts**

Banning restraint-based training tools will may also negatively impact Government Services. Restraint-based training tools are extremely effective control training tools used by:

- Queensland Police
- Queensland Corrective Services
- Border Force
- Armed Forces
- Balanced trainers assisting with the development of dogs for the Government services.

Police dogs provide support to police with drug / firearms / explosives detection, crowd control, urban search and rescue and high-risk confrontations. Military working dogs provide additional security, tracking, detection, and early warning to the Armed Forces on military bases in Australia and in international deployments. Border Force detection dogs provide clear indications of drugs, tobacco, explosives, or illegal firearms entering the country.

Restraint-based training tools are far more effective with training dogs for these specialist Government services than “reward only training” which has been proven to fail at critical moments in real world settings, thereby significantly decreasing the effectiveness of dogs in these specialist roles. This may also lead to increased financial burden on the Government to finance additional resources to fulfil the duties performed by dogs and handlers.

The effectiveness and efficiency of the Government in Policing in Germany has been negatively impacted with the ban on prong collars in January, 2022. German Police are currently unable to deploy dogs working alongside special forces and general duties officers to arrest offenders.



## **POINT C – Unsubstantiated Research**

Conclusions drawn regarding restraint-based tools, specifically the prong collar, have been made based on unsubstantiated research and without 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. The above statement demonstrates a lack of understanding of behavioural science and the means in which training tools are most used as a means of Negative Reinforcement (guiding the dog towards the correct behaviour), not Punishment.

Adequate consultation with key stakeholders, would generate a more comprehensive understanding of the use of various restraint-based training tools in behaviour modification and the improvement of animal welfare. Key stakeholders to be consulted would include but not limited to:

- Members of the Queensland Government currently utilising these training tools, including Police, Corrective Services, Border Patrol 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

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, haltie, 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. The prong collar was created by a veterinarian as a more humane option to a choke chain with an unlimited choke in the hands of an inexperienced handler.

Furthermore, it is of great concern to me that, as per the wording of the bill above, the use of potentially all restraint-based tools is inhumane. I am especially concerned by this wording given key stakeholders and members of the community have not provided with adequate opportunity 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 publicly cited and included in the consideration of amendments to regulation.

### **In conclusion**

It is my firm belief that education is a far more effective strategy to reinforce responsible dog ownership and cruelty awareness to reduce instances of dog abuse. Regulation is only effective if people committing acts of cruelty are caught and successfully prosecuted.

As highlighted by AMA's Pets in Australia Survey 2019, vets are the most popular source of pet-related information (51%) followed closely by searching for online information (45%). This presents a unique opportunity for the government to raise awareness on what constitutes abuse and promotion of responsible dog ownership. This initiative would positively encourage the dog community to expose abusers and self-police, resulting in significant financial savings and animal welfare benefits.

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.

Sincerely,



NAME WITHHELD