

Inquiry into the Animal Care and Protection Amendment Bill 2022

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State Development and Regional Industries Committee

Dear Parliamentary Committee,

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

Thank you for providing me the opportunity to make a submission on the proposed amendments.

My name is Emma Kolodjashnij, a dog owner and former member/competitor of Valley Dogsport Club and Working German Shepherd & Dogsport Clubs of Australasia. For the past 5 years I have been heavily invested in researching, understanding and applying dog training methods based on objective behavioural science techniques with an aim to build strong relationships with my dogs in addition to guaranteeing their confidence and obedience in any environment. Throughout my time training dogs I have been lucky enough to work closely with experienced dog handlers and breeders within the competitive dogsport sphere, as well as pet dog trainers and former service dog handlers.

I am writing to you to advise that as a Queensland resident I am strongly against the proposed amendments to the *Animal Care and Protection Act 2001* (detailed below).

I am deeply concerned about the proposed amendments for several reasons. However, my deepest concern is that the *genuine* issue of animal welfare has been set aside in the Palaszczuk Government's pursuit of preferential votes. I say this because regarding amendments to the Act, particularly in relation to the proposed prong collar ban:

1) Elected government officials have not followed their own best practice guide for amendment of legislation in Queensland.

On 8 May 2022, I, along with many others, were shocked to read that the Palaszczuk Government was set to ban prong collars, and that within four days the amendment bill was to be discussed in parliament. This shock came because prior to 8 May 2022 was no mention of the proposed ban by elected parliamentary members.

I refer to *The Queensland Government Guide to Better Regulation May 2019* which 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

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 restrain-based tools is in fact missing from the key consultation outcomes of the discussion paper.

As a Queensland resident and dog owner, I find it deeply concerning 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 also refer to the parliamentary discussion held on the 12 May 2022, regarding the Animal Care and Protection Amendment Bill:

“The bill prohibits the possession and use of prong collars without a reasonable excuse. Prong collars are considered to be inappropriate as a training aid because they cause pain and fear in dogs and are 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. Prong collars can also cause physical injuries such as bruising, scratching and puncturing the skin of the dog. Over time, this may lead to scar tissue developing on the dog. In extreme but rare cases, prong collars can be associated with spinal cord injuries and other severe injuries. I know that there have been views expressed on those provisions by certain animal trainers.”

Again, 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 and therefore the above conclusions and recommendations do not reflect those of the Queensland community as a whole.

Since *The Queensland Government Guide to Better Regulation May 2019* was not followed by the Palaszczuk Government in the process of amending the *Animal Care and Protection Act*, claims made on 8 May 2022 of the proposed ban arising as a result of “overwhelming” advice from the “community” is entirely false.

2) Neglecting community consultation means long-term impacts on animal welfare 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:

Social and environmental impacts

There has been little-to-no consideration about the social and environmental implications this proposed ban will have on the Queensland community. From what I've witnessed recently, one of the most profound animal welfare issues in Queensland is dog attacks resulting from the lack of education and subsequent mismanagement of dogs in public, particularly at dog parks. To me, it therefore seems irresponsible to selectively ban restraint tools and further remove the ability of dog handlers to educate themselves, educate and manage their animals, and actively prevent potentially disastrous situations such as this in the community.

The ability to safely manage a dog in the community has a major impact on the mental and physical health of both the owner and the animal for the duration of its life, as well as on the safety of other people and pets. Some dogs, whether it be a result of the size and strength, behavioural issues or a combination of both, require restraint devices that may not need to be used by most pet owners. For owners of these animals, having access to these training tools can be the only way to safely manage the animal and provide them a good quality of life. Some inexperienced dog trainers or those with limited educations will say these behaviours can be dealt with using other tools, but this is simply not the case for every dog. It is especially not true for high drive or highly reactive large dogs who require specialised training and training tools.

By labelling certain restraint devices as 'bad' without due consideration, or by choosing to ban tools because of the *potential* for misuse, the government will be unfairly vilifying members of its community, and in many cases force these community members into choosing between surrendering or putting down animals which would have otherwise been completely manageable. There seems to have been no consideration given to the effect this will have on already strained animal rescue shelters or the reduced quality of life animals such as these will be condemned to. There also seems to have been no consideration for the elderly or disabled members of the community who rely on such devices for their own safety.

Choosing to reduce training tool options available to the Queensland community without consultation with industry experts and industry stakeholders again demonstrates that there has been no consideration by elected parliamentary members on how their community members will be able to safely provide mental and physical stimulation to their pets.

Competition Impacts

Although I no longer have time to compete my dogs, I know the skills and commitment it takes to train dogs to such a level. I also do not believe there has been any consideration for the impacts the proposed amendment will have on the dogsport community.

The wealth of knowledge held by dogsport competitors is ever evolving and improving, and as a result the standards of dog training and competitions are improving too. In my experience, these organisations promote adaptability to training and encourage members to fulfil their dogs' natural instincts and abilities in a productive way. As well as fulfilling their

dogs mental and physical needs these clubs promote safety, confidence, and responsible, purposeful breeding. These organisations are also a wealth of knowledge when it comes to advising which training/restraint tools are best for individual cases based on motivational drivers, personalities and skill levels. It should be up to these organisations to advise against the use of certain practices or tools if deemed necessary.

Carelessly banning tools used by these clubs without consultation will potentially have detrimental effects on the level of training these competitors can achieve, decreasing the quality and skills of competition dogs which will undoubtedly leech into the wider community. Afterall, it is individuals such as these (along with professional dog trainers) who have the knowledge and experience to help the wider community with their dog training.

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 personally used a prong collar on my dog with great success.

When my dog was about 9 months old he went through a fear stage in which he suddenly became aggressive towards other dogs while on leash. I am only a 50kg woman and at that stage my dog was approximately 40kg. On numerous occasions when lunging at other dogs, my dog would pull me off my feet and drag me along the ground. This happened one night at my local dog training school and not a single person there could offer me any advice on how to fix this problem and suggested I do not return. From that point I spent all my time and energy learning how I could work my dog through this issue. I researched various training methodologies using a range of training materials and training tools. Before I discovered prong collars I could not find anything that worked – and I tried every collar/harness on the market. Nobody could offer me any advice other than “you’re doing everything right, it will come good with time.” However, it did not, and walking my dog was becoming a more and more anxious experience for both myself and my dog. When I was first introduced to the prong collar, like many others, its appearance initially deterred me – it looked like a medieval torture device. However, I thoroughly researched the pros and cons of this training tool and came to the conclusion that it could potentially solve the problem I had. Before fitting the prong collar to my dog I tried it on myself, gave it a few solid tugs and realised that it did not cause any pain or discomfort at all, and I could feel for myself that it cleverly distributed pressure around the entire circumference of the collar. That day I put it on my dog for the first time and walked him using the same training methods as always – the result was instant. I could see that he actually understood what I had been trying to communicate with him for months. He was yielding to directional pressure, he was engaged, and he was showing zero signs of pain, discomfort or stress. I cannot describe how life changing this moment was! My dog, who had beforehand felt like an explosive freight train on the end of the leash was back to being light and responsive. He was back in a frame of mind that allowed me to work through his behavioural issues. Training in a prong collar allowed me to get to a point where my dog could be walked in a flat collar. Using this tool allowed me to build so much trust and confidence in my dog that I joined a dog sport club and competed him around other dogs with no issues. If I had not have been allowed access to this tool, I can't imagine what sort of life my dog would have led. I still use a prong collar for in obedience training because of how precisely it offers negative reinforcement (pressure-release). I also still rely on my prong collar as a safety device when visiting crowded cities where other handlers let their dogs run towards mine without consent. When

used as intended, a prong collar is an incredibly important tool and should not be banned because it has the *potential* for misuse. If all laws were made with this flawed logic, we would not have access to kitchen knives, hammers or cars either.

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 and therefore the proposed amendments are redundant. 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.

Thank you for your consideration,

Emma