

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

**Submission No:** 1397  
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**Submitter Comments:**

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Susan Blair

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.

***Susan Blair - Dog Handling/Obedience Training & Animal Behaviour Experience.***

2013

- *Complete Certificate 2 in Animal Studies at The Gordon TAFE.*
- *Volunteered at Geelong Animal Welfare Society & Jirrahlinga.*
- *Established Clawbaby Pet Services - a dog walking and pet sitting business.*

2014

- *Completed a Certificate 3 in Dog Training and Behaviour with National Dog Trainer's Federation, which included all facets of dog obedience, lectures on behaviour and training/handling techniques.*
- *Employed by Four Paws K9 Training, working in their various centres in Melbourne & Geelong as a dog obedience trainer, instructing classes ranging from puppies to advanced obedience - still currently working at the Melbourne facility.*

2015

- *Began Dog Training under the Clawbaby Pet Services banner.*
- *Completed the Four Paws K9 Training instructors course which includes all aspects of instructing classes, training techniques, dealing with customers/handlers and recognising and interpreting body language.*

2016

- *Operated the Geelong Pet Expo in Geelong, with over 30 exhibitors and 1,500 attendees, raising funds for local rescue organisations.*

From 2017

- *Attending seminars and workshops from Australian and International presenters, learning new techniques and approaches to dog training and behaviour modification.*
- *Became a member of the International Association of Canine Professionals (IACP)*

2020

- *Established King's K9 Dog Training, specifically for operating dog training, behaviour consultations and private training, preparing specific programs to aid and assist owners of problem dogs.*

2021

- Took ownership of the Geelong Four Paws K9 Training Facility, now running under the King's K9 Dog Training banner, operating group dog training classes within the Geelong region.

2022

- Began conducting behavioural assessments of dogs for Lawyers, where dogs are being declared, or owner's are disputing Council intentions to declare or destroy the dog(s).
- Completed Pat Stuart's NePoPo program - NePoPo® is a system of dog training created by Bart and Michael Bellon. NePoPo® is a negative-positive-positive training system that allows the handler to take advantage of the benefits of both Positive Reinforcement training and Negative Reinforcement training.
- Completed a week-long shadow program with Alex Edwards from Refine Your Canine - During the shadow, I was able to observe multiple private lessons, group classes and socialisation sessions.
- Currently undertaking the Ivan Balabanov's - Training Without Conflict online course, which will be complete by the end of September 2022, learning from his 30 years of dog training experience.

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

**I believe this legislation would have a vastly negative effect on dogs in general in regard to animal welfare, dog ownership, dogs in the community and working dogs, such as protection, search and rescue, detection dogs.**

- a) The Government best practice guide to amendments of legislation has not been followed in the making of this proposed Act. Key stakeholders and the broader community have not been offered the opportunity to provide a submission or to be consulted on the proposed amendments to the Act.**
- b) Without consultation of key stakeholders and the broader community, the impact of removing "restraint based tools" have not been adequately assessed.**
- c) In Conclusion, inadequate consultation regarding the proposed Act changes equates to there not being adequate research of the impacts of the loss of such tools in areas such as dog welfare, dog ownership, dogs in the community and working dogs, such as protection, search and rescue, detection dogs.**

**A. The Government best practice guide to amendments of legislation has not been followed in the making of this proposed Act. Key stakeholders and the broader community have not been offered the opportunity to provide a submission or 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 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”*

**B. Without consultation of key stakeholders and the broader community, the impact of removing “restraint based tools” 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:

**Business Impacts**

*In Victoria, the prong collar is already banned, which is unfortunate as I can see many areas where a tool, trained correctly to the client would have many benefits. For example, I have a delicate, smaller, female client with a Golden Retriever, she has attended private training and group classes, but she struggles when the dog pre-loads\* on walks, then lunges and pulls her over. With a tool, such as the prong collar, using a nagging on the collar as the dog sees other dogs or food items, we can diminish the pre-loading and help him move his attention elsewhere.*

*\*pre-loading - is the escalation of emotional levels and behaviours. A dog that pre-loads is moving out of its comfort zone and going over threshold.*

*Also, this legislation change is not just looking at prong collars, it is referring to “restraint based tools.” This in itself is a scary piece of writing in my opinion, it means at any point, my job at training and behaviour modification could get harder and harder.*

*I myself have rehabilitated my own dog, Cooper, which I adopted from a rescue group. I fostered to adopt him when he was 4.5 years old, he had lived his whole life after being the accidental litter on a property of an animal hoarder. He lived most of his life in dirt and mud on a chain with a plastic kennel as his only shelter. He had completely missed his critical period of socialisation with the outside world. In the first 4.5 years of his life, he had learnt, lunging, snapping and biting at people's ankles made them go away. When I got him home, he and I worked for well over a year in the positive only mentality and with medication, and he came a long way, but it wasn't enough to make a real impact in turning his behaviour around. I then started working with Alex Edwards from Refine Your Canine on eCollar training, along with attending many seminars with trainers in Australia, such as Pat Stuart and many international trainers, such as Jay Jacks to ensure I was working with the equipment in the fairest and most humane application. Cooper is now 10 years young, my main man, he enjoys off leash time and assists me with other dog's behaviour modification as my helper dog. Through using "restraint based tools" we are able to change lives.*

*Finally, the people that this Act should be stopping, are the ones who are using the tools incorrectly, and do so outside of any current legislation, and will continue to do so. I can tell you right now, there is one such person, in the Geelong region that will slap an eCollar onto any untrained dog, and turn the volume up, without training in the tool, without a letter from the vet as is required by Victorian legislation and the council cannot do anything because in all the years I have been a trainer, they have not managed to find one person willing to be a witness to this behaviour. They will continue to do what they do, at the detriment of the dogs, no matter the legislation.*

**C. In Conclusion, inadequate consultation regarding the proposed Act changes equates to there not being adequate research of the impacts of the loss of such tools in areas such as dog welfare, dog ownership, dogs in the community and working dogs, such as protection, search and rescue, detection dogs.**

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.

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

Susan Blair

