

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

**Submission No:** 1421  
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Dr Rachel Clancy

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 to the *Animal Care and Protection Act 2001*. My name is Dr Rachel Clancy and I am a professional dog trainer based on the NSW/Victorian border in the Albury-Wodonga region. I train working stock dogs, provide private consultations, as well as teach puppy pre-school and general obedience classes. I am a member of the NSW Yard Dog Association as well as the Victorian Yard Dog Utility Farm Dog Association. I have a PhD in Animal Science from the University of Western Australia and qualifications in Zoology and Captive Vertebrate Management.

I am strongly opposed to the proposed amendments to the *Animal Care and Protection Act 2001* which I have detailed below.

**1. Failure of government to follow best practice**

In proposing these amendments, the Queensland government has not followed its own best practice guide for the amendment of legislation. As someone who works in government, I strongly advocate for the opportunity for key stakeholders and members of the community to be consulted on any proposed amendments to legislation. I believe this not occurred in this instance. The government has not followed best practice in properly consulting in a balanced manner with people who will be directly impacted by the 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:**

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”*

## **2. Lack of adequate consultation**

By making the proposed amendments without adequate and balanced consultation, the true impacts on all members of the community cannot be adequately assessed. For example, if the wider community has not been consulted, how can the government take into account the impacts of the proposed changes from professional dog trainers and dog handlers through to pet owners.

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). Adverse impacts include business impacts through the reduction of available tools for addressing problems or issues with dogs exhibiting serious problems that require professional intervention. This impacts the ability of professional dog trainers to genuinely help members of the community through the safe, professional and experienced use of tools such as prong collars. It also presents impacts to the training and handling of working dogs through a reduction in the ability to improve training techniques through sport and competition. The most significant impacts I believe however will be seen in the safe management of dogs in the community.

## **3. Unsubstantiated research without meaningful consultation**

As a Scientist it is perhaps most concerning to me that the proposed amendments have been made using conclusions that are based on unsubstantiated research. This is particularly evident when statements are made regarding tools such as prong collars that are primarily based on emotive opinion rather than actual scientific studies or real data. To then not consult with key stakeholders that can provide data to the contrary is deceptive, manipulative and absolutely not in the best interest of the wider community.

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. This is a nonsensical argument to use to ban a tool.

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.

As outlined, I am strongly opposed to the proposed amendments to the *Animal Care and Protection Act 2001*. The Queensland Government has failed to follow fair and proper process in proposing these amendments and for reasons outlined in my submission this has the potential to adversely impact the wider community. I also believe that the proposed amendments are based on unsubstantiated, emotive and politically based opinion and not on evidence based data. 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



**Dr Rachel Clancy**

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