

Inquiry into the Animal Care and Protection Amendment Bill 2022

Submission No: 1436
Submitted by: Pawfect Manners Dog Training
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Submitter Comments:



31 May 2022



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.

My name is Linda Barrett, founder and operator of Pawfect Manners Dog Training. I have been a full time professional dog trainer for more than 14 years and a part time dog trainer for the 30 years prior to that. I run private one-on-one training, group classes, behaviour consultations, behaviour assessments for Local Government, VCAT/Court hearings, train therapy dog teams to be accredited under the Victorian State Government and provide board/train programs.

I am on the Board of Members - Professional Dog Trainers Australia PMDT (Inc), a member of International Association of Canine Professionals IACP, and a member of Australian Association of Professional Dog Trainers AAPDT (Inc).

I am a qualified dog trainer recognised by the Minister of Agriculture in Victoria.

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

Any one of the following points provide reason enough for the proposed amendments to be rejected.

1. The government has failed to follow it's own best practices guide for the amendment of legislation. There has been no opportunity for key stakeholders and the wider community 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



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- 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 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.



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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. The impact that these amendments will have on the community has not been adequately assessed as there has been no consultation.

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

- Tools were invented for a reason, a way to help train, manage and guide dogs to be the best they can. No tool has been invented to cause pain or injury to a dog. There are many existing things that can do that without going to any effort.
- Taking away the ability of a professional trainer to use suitable tools for the dog in front of them is going to result in professionals not being able to service their clients effectively.



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- They will not be able to help the dog or the owner achieve their goals, whether that be obedience, sports, companions, therapy dogs, assistance dogs or dogs with behaviour problems.

Competition Impacts

- This will impact my business as often this type of legislation, once passed in one State, may be adopted in other States.
- Limiting options available to both my clients and myself. Tools that work with one dog may not be suitable or effective on another.

Social and environmental impacts

- No consideration has been given to specific groups of people in our community that rely heavily on a dog. This may be for mental illness or physical disability. If you take away their ability to use specific tools, you take away their ability to own many breeds or retain the ownership of an existing dog.
- I have had many clients who are small in stature with large dogs and without the use of a restraint device would not be able to control their dog, especially breeds with high predatory drive such as a German Shepherd, German Short Haired Pointers, etc
- There are many dogs that are reactive, often through no fault of their own, this amendment is seeking to ban any tool by regulation without providing alternatives.
- Regulation states that you must have effective control of your dog. How exactly can you do this without restraint devices.
- Many dogs will be surrendered or PTS. No thought has been given to how rescue organisations cope with the high influx, they are already over worked since Covid increased the dog population considerably and sometimes these dogs are no longer wanted now life is back to normal.
- No consideration has been given to the safety of other animals and people:
 - Many dogs do not get on with other dogs or don't like strange people.
 - High prey drive dogs can chase and kill stock, resulting in pain and suffering for the animal, loss to the farmer and ultimately the pain and suffering of the dog if injured by the stock or farmer or leads to the dogs ultimate death.



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- There is no proof, that a dog can be prevented from chasing and killing animals without using restraint devices to train the dog. There is proof that dogs can be prevented from killing stock without a restraint device, once trained using the right tools.
- The welfare of the dog will be impacted, how do you exercise a dog, take it to the vet include it in family life if you cannot restrain it.

3. Key stakeholders have not been consulted and conclusions have been drawn regarding restraint based tools, specifically the prong collar, without substantiated research.

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:



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- *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 unfortunately am restricted from using the prong collar in Victoria due to regulation also based on unsubstantiated research and evidence. I have however, worked with many other professionals and have seen the amazing results, first hand, that working with a prong has provided.

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 and key stakeholders are consulted on the proposed changes.

Yours sincerely,

Linda Barrett

Founder

Pawfect Manners Dog Training