

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 the opportunity to make a submission on the proposed amendments.

My Name is [REDACTED], I am a professional dog trainer of 20 years. I am Head Trainer and Operations Manager of a Canine “Day School” (Behaviourally Informed Dog Day Care) and Boarding facility servicing NSW and ACT.

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

As a small business operator who is both intimately concerned with the welfare of dogs and directly impacted by the changes to any legislation that affects my clients ability to provide the appropriate care to their canine companions, I was utterly blindsided by the fact I was not given any opportunity to offer my education and experience to shape the future of the standards of Animal Welfare within my country. This is the foundation on which my life's work is built upon and the touchstone that guides my heart and hand each day.

Without consultation with a wide range of stakeholders it is impossible to have assessed how these proposed changes will affect the ability of canine professionals across the many varied parts of our industry to provide the rapidly increasing need for expertise to our clients and for the safety of the wider community that they live within.

Irrespective of the opinion an individual has on the training device that is the “Prong Collar” the very least that the public should be able to expect is that these laws are based on the advice of the most experienced in the use of that tool regardless whether that individual has chosen to include the tool in their work or not. It is embarrassingly apparent that these outspoken detractors are uneducated in the tools, purpose, function, application, and implementation.

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 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”

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

Within our current business model, we offer a holistic approach to enriching the lives of our dogs, their families and the communities in which they live.

We deliberately sacrifice higher profitability to include dogs from families who are struggling with challenging behaviours. While most of our “competitors” assess and screen out dogs who present with antisocial behaviours such as lungeing, growling, barking, snapping or biting, resource guarding, prey chasing, pulling on leash, aggression towards other dogs, or timid or fearful behaviours, we create 20% of the space within our capacity to intake these dog and support them to work through our training program to become the best versions of themselves.

Of those dogs, half of them will require some degree of work with a prong collar, often short term, to get their learning started, and then some of those dogs will transfer to a slip leash and their main form of communication. These dogs often go on to be some of the most valuable members of our social groups for what they can teach other dogs, our trainers and their owners.

Without a full spectrum of training methods and tools we could not offer the support we currently offer to the entirety of the canine community. Our business would need to narrow our criteria to exclude those who most need our expertise. In doing this, our broad skill set would degrade, and along with it the welfare of all dogs and the safety of our community.

Competition Impacts

While my own personal preferences for teaching dogs is predominately through Rewards Based training ie: Food/treats, praise/relationship, play and toys I alter my approach for the individual dog to find success. I believe strongly in guiding dogs to be the social animals they are via authentic intentional boundary setting. Being that dogs communicate personal limits via tactile feedback it is not inappropriate for many dogs to find clarity receiving communication through a collar and leash. With dogs requiring more precision via contrast in the clarity than others. Seemingly not at all related to intelligence, size, sociability or trainability, these dogs simply ask for a higher level of feedback to find the correct answer in learning.

The Prong or Pinch collar is a tool that provides this clarity. It is a training device employed to initiate learning, once the dogs realises the tactile sensation is actually attempting to communicate guidance and that to respond to that guidance is in his best interests (rewarding), a competent trainer can utilise a method (Premack Principal) to transfer this understanding to most other common dog training equipment (Slip leash, Flat collar or harness).

There will be some exceptions to this ,and in some cases it would be recommended the dog and handler continue to use the Prong/Pinch collar indefinitely.

Owners who cant access an alternative teaching method for their dog often face limiting not only their dogs access to biological enriching activities, which further compounds their antisocial behaviours but it has a knock on effect of isolation, guilt is the increasing risk of bites to the immediate family with severity of injury and mortality increasing for children.

Social and environmental impacts

It is deeply concerning that conclusions have been drawn based on flawed and poorly executed research criteria into the use or misuse of these tools by people who are not skilled in theory, application and implementation of these tools in a learning program.

I would wholly support legislation to regulate the distribution, sale, training and use of these tools along with the dog training industry in general. Many of my colleagues lament not having a trade with an apprenticeship under a master trainer with Government accredited theory at a TAFE equivalent, by way of validating the level of education, and skill required to be a competent, thoughtful, and equipped professional.

It is never more apparent when it comes to employing new trainers, the inability to employ from a pool of appropriately qualified professionals is endlessly frustrating. On the job training can be risk averse, cost heavy and inefficient.

With the popularity of “Positive Only” or “Force Free” training ideologies we are seeing an increase in aggressive behaviours in pet dogs. In many cases resulting directly from a lack of boundaries, and the belief in pet owners that asserting limits for the dog is somehow “punishing” and detrimental to their dogs well being. This is, of course, utterly contrary to reality.

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 successfully trained my personal dog to a very high level (by professional standards) first with entirely Rewards based methods, yet failing to reach a level of reliability I felt I was responsible for. I then layered in both prong and e-collar learning to achieve the clarity, safety and then off leash liberties my dog deserves all with the challenge of maintaining the joy and energetic expression in my dog and the ethics in my work. I feel wholeheartedly I have achieved this without too much expertise but just a reasonable effort and education. I will note that I do not use these tools for “punishment” but to make clear a limit. My thoughtful incremental teaching means my dog understands this limit and finds no need to test it.

I have implemented the Prong/Pinch collar in dozens of client dogs learning with the very same outcomes. Happy learners, who go on to access biologically fulfilled lives with their loving families.

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

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