

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

**Submission No:** 1477  
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**Submitter Comments:**



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### **ATTENTION: State Development and Regional Industries Committee**

**PAWSOME ASSISTANCE DOGS Inc provides the following submission.**

- 1. We propose that the current legislation, already provides for prosecution of those mistreating dogs. Greater powers to enforce the current legislation would be more effective than adding additional legislation to already underfunded and ineffective animal protection services. Anyone misusing such devices as the prong collars, can already be charged under the current legislation.**

The most serious of all the animal cruelty offences in Queensland is provided for by Section 242 of the *Queensland Criminal Code* which says that:

- “(1) A person who, with the intention of inflicting severe pain or suffering, unlawfully kills, or causes serious injury or
- prolonged suffering to, an animal commits a crime. Maximum penalty—7 years imprisonment.”

Subsection (3) of that provision defines ‘serious’ injury as:

- “(a) the loss of a distinct part or an organ of the body; or
- (b) a bodily injury of such a nature that, if left untreated, would—
  - (i) endanger, or be likely to endanger, life; or
  - (ii) cause, or be likely to cause, permanent injury to health.”

An offence of serious animal cruelty will be prosecuted by the Office of the Director of Public Prosecutions (which is different to the other cruelty offences which are normally prosecuted by private lawyers paid by the RSPCA). While the charge is not commonly laid (lesser charges under the *Animal Care and Protection Act 2001* are normally preferred), jail sentences are regularly imposed for the offence when it is proceeded upon

- Imprisonment
- Intensive Corrections Order
- Probation
- Community Service Orders (CSO)

- Recognisance
  - Fines
  - Section 19 order
2. **The Premier has made public statements indicating that she has already made a decision, despite this consultation process not having closed. This goes against the government's own best practices.**

"We're passing legislation to crack down on the inhumane treatment of animals in Queensland,"

3. **The Queensland government has added to the Animal Care and Protection Bill 2022, that certain restraint devices will be banned.**

**The definition provided is: - *"Restraint device" means a device fitted to an animal for the purpose of restraining it. Examples— collars, leads, harnesses, muzzles, halters***

**While government advertising has been focused on banning the prong collar, the wording allows for any other devices to be included without notice or consultation.**

Many of these devices are essential to both the protection of the public, and the training of the dog. **PAWSOME objects to such a broad definition, without specific application, or provisions for exemptions for trained professionals to use such devices as required.**

PAWSOME ASSISTANCE DOGS does not support aversive training, but neither do we support the so called positive only measures some trainers promote. The evidence of the failure of positive only training is clearly seen throughout the community and in dog parks and on beaches where dogs are not under the owner's control, have no recall, and are basically in control of the human. Negative reinforcement - a consequence for an action - is not punishment of the dog, it's direction and expectation very clearly defined by the messages going down the lead, and through the collar or harness, just as a caring parent would use a firm and guiding held hand in teaching a child boundaries for their correction and protection.

### **HARNESSES HALTERS LEADS AND COLLARS**

Many Assistance Dogs Teams use a harness both for tethering the dog in a vehicle, as well as tethering to themselves in public access environments, to enable them to release the primary "traffic lead" when shopping, purchasing items and when seated for a meal. These are safety devices for both the dog and Handler. **A Halter**, which is no more aversive than it would be for a horse, and therefore, not at all, **can be an essential tool in teaching the dog positional walking as well as providing directional and speed information being transmitted via the lead and halter.** It may also teach a strong-willed dog, correct walking techniques and to respond to the Handler, rather than drag the Handler due to its strength.

## **MUZZLES**

The **fact is that when a dog is wearing a properly fitted muzzle, it cannot bite**. This is not just referencing a dangerous dog; **muzzles are worn far more extensively than just by a reactive dog**. They can be being used to protect a dog from baits and other dangerous or toxic items in the environment, rancid birds, toads, and other things that can do them harm. Pets are required to wear them on public transport and in places such as Bunnings, which protects dogs from each, as well as people and property.

As an Assistance Dog Handler, I have first had experience of people “stealth patting” my dog, hitting or patting it as they walk past, children grabbing at its face or tail. My dog is trained not to react, but it does startle her at times because it is so unpredictable. A domestic dog experiencing these unsolicited contacts does not have to be a reactive dog, to react in fear or fright to such interference. **Muzzles help owners help their dogs be good citizens.**

**Muzzles are also a piece of SAFETY equipment**; they can allow people to be in close proximity to a dog and perform certain actions that may trigger the dog to bite.

Some examples are:

- Trimming nails
- Veterinary procedures
- Grooming procedures
- Rehabilitation and behaviour modification
- Interaction with other dogs and people when one or both dogs is 100% comfortable
- Dogs that are being transported in vehicles with other people, such as Military. Any of these can trigger a well-trained dog to still bite and for the safety of everyone, a muzzle is a good option.

## **PRONG COLLARS:**

**PAWSOME ASSISTANCE DOGS supports the banning of general public having access to purchasing prong collars, without appropriate training and support for their use.**

Like many tools, in the wrong hands, yes it can and may be used incorrectly and abusively. Although realistically those who harm animals are unlikely to spend money on such a piece of equipment when chains, sticks and other horrible instruments are free and easily accessible.

**PAD supports the use of prong collars under the correct supervision.** Dog training is still a largely unregulated industry, however dog trainers and behaviouralist, with registered businesses, even without formal qualifications, do know how to use the prong collar correctly as a training tool, and are well equipped to monitor and manage their use with clients. **We propose they are not banned, rather that purchase is limited to professional trainers with a registered dog training or dog behaviouralist business.**

Many experienced Trainers state the following: -

FAKE: The prongs are sharp and dog into dogs' necks

FACT: The tips of the collars, contrary to popular belief, do not stick into the dog's neck, but rather run alongside. The tips are rounded off, not sharp like those trying to trigger your emotions suggest.

FAKE: The pull into the dog's throat causing pain

FACT: They REDUCE pressure on dogs' necks by applying the pressure from the leash evenly around the neck, unlike other collars.

FAKE: The prong collar can cause injury easy

FACT: We have never seen more than skin irritation from the metal in the collar, which occurs with any collar

**4. The Queensland Governments 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 non-regulatory approach **d) Adopting the option that generates the greatest net benefit for the community.**

In the case of these proposed changes that has not happened.

600 people signed a petition to ban the prong collar, and the government has added in extra ill defined, and poorly professionally researched items that are common to effective dog training with positive results and very happy and obedient dogs.

**When the review of the Animal Care and Protection Act 2001, took place in May 2021. There was no mention of prong collars, restraint devices or muzzles.**

**Then, 8th May 2022**, almost a year **after** opportunities to comment on the review closed, the government announced that it will be banning prong collars and these restraint devices.

The government is not following **their own best practice here. They are just adding laws without expert, experienced or community advice or** consultation and risking the health and wellbeing of the community, pet owners, and very importantly, those of us with Guide, Hearing or Assistance Dogs.

**PETA**, one of the driving forces in the anti-movement supporting this legislation, **has regularly said that they do not want people to own animals**. Where does that leave those who need dogs for health, wellbeing, or working environments such as Guide, Hearing, and Assistance communities, and, police, corrective services, security and other such industries?

The RSPCA also support these changes, but the RSPCA will also profit from the increased income generated by a higher number of dogs being put down as “untrainable” or “aggressive” because appropriate training tools are not being.

Their own documents verify that dogs are already being euthanised because of poor basic training in the formative years, and unredeemable behaviours with the RSPCA’s current training protocols.

The RSPCA states that in one year, “Of dogs euthanized, the majority of cases are because of severe behavioural issues (68.78%). This includes aggression and severe anxiety that the RSPCA is not able to or has not been able to treat through behavioural modification programs”

They want to ban appropriate training equipment that could have saved at least some of these dogs, if access to appropriate training and intervention was provided.

As said previously, **the proposal was introduced in the basis of a petition of around 600 signatures. BUT the Professional Dog Trainers Association petition to NOT BAN these tools is already in excess of 6000 signatures.**

If the government truly represents the desires of the community, then clearly this legislation is NOT WHAT PROFESSIONAL DOG TRAINERS and those of us with PROFESSIONAL WORKING DOGS support or want.

600 people voted for ban, over **6000 voted not to ban.**

**Democracy says the people have spoken against the legislation does it not? We hope you will give serious consideration to the groundswell within the professional dog training community and those of us with professional dogs, and not pursue this legislation in its current form.**

PAWSOME ASSISTANCE DOGS logo says, “I needed a Hand, and I found a Paw” Please do not deny us the use of essential equipment to keep our paws safe, well trained, and protected from other dogs in the community.