

24<sup>th</sup> August 2023

The Manager, Animal Management,  
Department of Agriculture and Fisheries,  
E: catsanddogs@daf.qld.gov.au

**RE: Strong dog laws: Safer communities – Discussion paper 2023**

Animal Care Australia (ACA) is a national incorporated association established to lobby for real animal welfare by those who keep, breed and care for animals. Our goal is to promote and encourage high standards in all interactions with the animals in our care.

In May 2021, Animal Care Australia provided a submission to the **QLD Review of Animal Care & Protection Act (ACPA) 2001** and we welcome the opportunity to provide feedback on this Discussion Paper.

In general, Animal Care Australia agrees with most of the proposed recommendations. However, due to our experience and the concerns expressed to us from other members who also contributed to the QLD Review of Animal Care & Protection Act (ACPA) 2001, Animal Care Australia has an extreme level of trepidation as to the whether the consultation provided by experts such as ourselves will be utilised and acted upon. It is our experience that a strong element of animal rights rhetoric is given precedent and undue validity over science-based and evidence-based consultation.

Responding to the Discussion Paper, Animal Care Australia provides the following feedback:

- **Animal Care Australia strongly supports community education and awareness campaigns.**
- **Animal Care Australia strongly recommends key stakeholder consultation on the development and messaging of the campaigns.**
- **Animal Care Australia supports the implementation of a grandfather clause for ANY new regulation, as well as an amnesty associated with that clause.**
- **Animal Care Australia questions the need to ban breeds that are already restricted in the country – in effect already banned.**
- **Animal Care Australia strongly recommends the inclusion of a legal requirement by those identifying restricted breeds to confirm the breed via DNA-matching.**
- **Animal Care Australia would support a new state-wide requirement for dogs to be effectively controlled in public places – subject to reviewing the proposed wording, including any exceptions.**
- **Animal Care Australia recommends a review of the definitions of ‘Regulated dogs’.**
- **Animal Care Australia would support a review into the Act relating to attacks involving regulated dogs – BUT – to ensure appropriate appeals and other processes are adequate, fair and the enforcement is transparent.**
- **Animal Care Australia would support a review of new offences and what those steps and the penalty sliding scale might look like.**
- **Animal Care Australia does not support the RSPCA QLD or council rangers being the designated enforcers of these regulations without the appropriate oversight, accountability and appeal processes in place.**
- **Animal Care Australia supports amendments being made to the Act to make it clear when a destruction order can and must be made for a regulated dog – BUT ONLY following greater consultation with the appropriate stakeholders**
- **Animal Care Australia does not support limiting when appeals from external review decisions (QCAT) about a destruction order can be sought by owners.**
- **Animal Care Australia notes the absence of the inclusion of animal rescue and rehoming organisations in the Paper.**
- **Animal Care Australia strongly recommends the inclusion of a review into these currently unregulated organisations.**

- **Animal Care Australia recommends a provision within this review for rescue & rehoming organisations to be held liable where proof can be provided by an owner, they obtained the dog under false pretenses or misleading information by a rescue/rehoming organisation.**

Animal Care Australia supports the submission from Professional Dog Trainers Australia Inc, and respect their expertise in the training and assessment of all dogs.

We request a meeting with the Department of Agriculture and Fisheries QLD in order to discuss our concerns over the lack of involvement in the Animal Management Taskforce and it's sub-working groups.

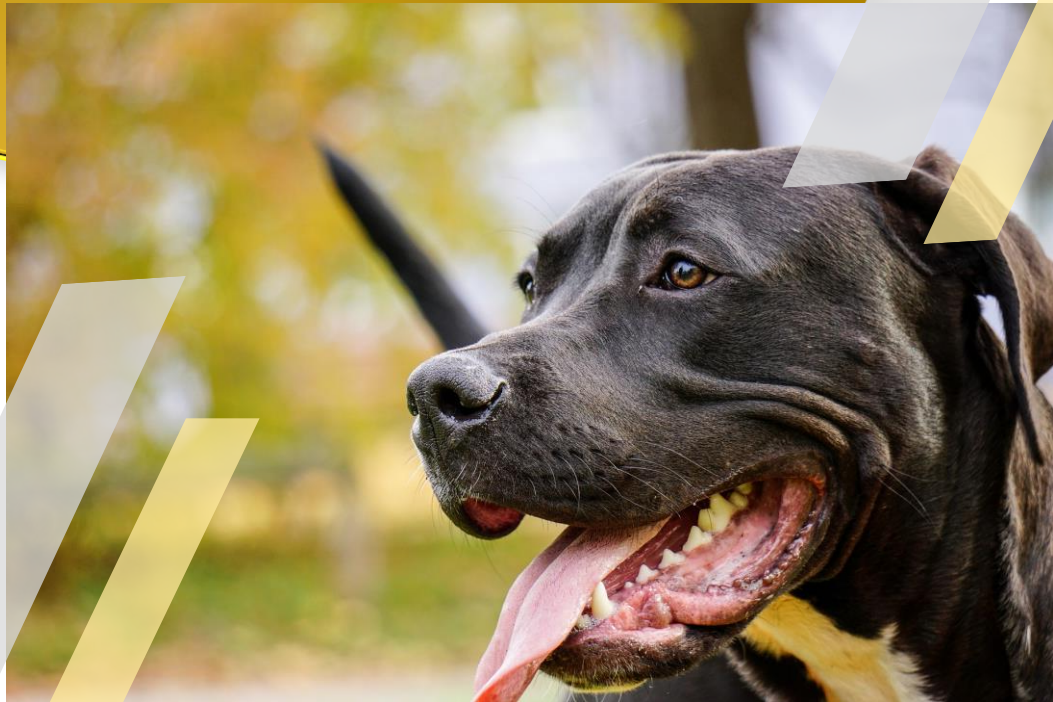
Please do not hesitate to make to discuss this matter further.

Kind regards,

A handwritten signature in black ink that reads "M Donnelly". The signature is written in a cursive, slightly slanted style.

Michael Donnelly  
President  
0400 323 843

# Strong dog laws: Safer communities – Discussion paper 2023



**Animal Care Australia submission**

**Approved: 22<sup>nd</sup> August 2023**  
**“Animal welfare is animal care”**



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## ACA Background

Animal Care Australia Inc. (ACA) represents the interests of all hobbyist and pet animal keepers nationally. Our members are comprised of most major animal keeping representative bodies including those representing dogs, cats, birds, horses, small mammals, reptiles, fish and exhibited animals. Some individual members also work in the rescue, care, and rehabilitation sectors.

## Opening statement

Animal Care Australia would like to thank the Queensland Department of Agriculture and Fisheries (DAF) for seeking consultation on the management of responsible dog ownership and welcome the opportunity to provide feedback.

In May 2021, Animal Care Australia provided a submission to the **QLD Review of Animal Care & Protection Act (ACPA) 2001**.

In general, Animal Care Australia agrees with most of the proposed recommendations.

However, due to our experience and the concerns expressed to us from other members who also contributed to the **QLD Review of Animal Care & Protection Act (ACPA) 2001**, Animal Care Australia has an extreme level of trepidation as to the whether the consultation provided by experts such as ourselves will be utilised and acted upon. It is our experience that a strong element of animal rights rhetoric is given precedent and undue validity over science-based and evidence-based consultation. For too long certain stakeholders have held the monopoly on being seen as the only experts and while this has been to their benefit, it has certainly not been to the benefit of the animals or actual improvement of animal welfare.

## Animal Management Taskforce

In the Foreword of the Discussion Paper the Minister thanks *“the members of the Animal Management Taskforce, the Technical Working Group and sub-working groups who have worked closely with the community to develop proposed changes to our dog laws.”*

As a national based animal welfare organisation that represents pet owners, and in this particular circumstance, dog owners, dog trainers, and dog rescuers – it is alarming and telling, that we have not been invited to participate in the Working Group, a sub-working group OR even as part of the ‘claimed community’ that was SO CLOSELY worked with!

Is that because the Minister, or the Department are aware we may question the factual legitimacy of the directions the animal rights rhetoric wants the department to take?

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It should be noted, attempts by our member associations to be included were also denied.

Attempts by Animal Care Australia and others to be provided with the names and qualifications of the organisations that formed as the Technical Working Group were met with little response other than confirming both DAF and the RSPCA QLD were on the Taskforce.

Animal Care Australia recognises the RSPCA QLD, Australian Veterinary Association, and Dogs Queensland should play a role on the Working Groups, however, they do not have expertise in dog training, behaviour modification or dog psychology. It is vital that organisations (stakeholders) that do have this expertise are not only consulted but are invited to join any working groups that exist or may be developed as part of the overall progression of these proposals.

**Why is the Minister and department so unwilling to provide details of the Taskforce and sub-working groups?**

**It seems expert input was not necessary or welcome!**

### Discussion Paper proposals:

- Developing and implementing a comprehensive community education campaign.
- Imposing new state-wide bans on restricted dog breeds.
- Reviewing penalties for owners of dogs that cause harm.
- Introducing a new offence that includes imprisonment as a maximum penalty for the most serious dog attacks.
- Clarifying when a destruction order must be made for a regulated dog.
- Streamlining external review process for regulated dogs to minimise unnecessary delays.

### Responses to the issues and proposals:

#### **Community education and awareness raising campaign.**

Animal Care Australia applauds the department on this proposal.

Animal Care Australia supports education being prioritised – especially over regulations, when most of the time the regulations do not serve as a deterrent.

*“The primary aim of this community education campaign would be to improve responsible dog ownership, prevent dog attacks from occurring in the first place, and reduce the risk of harm if they do.”*

It is essential that this education is developed in full consultation with ALL key stakeholders, particularly animal keeping associations, professional dog training associations and key representatives for each of the targeted groups, such as children, indigenous communities, etc to ensure the right messaging is utilised in order for the greatest level of understanding of the intended messages.

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**Animal Care Australia strongly supports community education and awareness campaigns.**

**Animal Care Australia strongly recommends key stakeholder consultation on the development and messaging of the campaigns.**

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### **Banning restricted dogs**

Animal Care Australia does not support the banning of any breed of dogs. It is more often the owner that should be assessed to continue to own certain breeds of dogs.

Animal Care Australia notes the Discussion paper cites the following already restricted (banned) breeds, under Section 63 of the Commonwealth Customs (Prohibited Imports) Regulations 1956 (Cwlth). These breeds are:

- Dogo Argentino
- Fila Brasileiro
- Japanese Tosa
- American pit bull terrier or pit bull terrier
- Perro de Presa Canario or Presa Canario.

The Act limits ownership of these breeds of dogs to people who have been issued a specific permit in relation to an individual dog.

Is the Queensland government stating these breeds do exist in Queensland? If so, why are there no statistics provided to support this? If the breeds can no longer be legally imported why is there a need to ban them in Queensland, especially when the Discussion Paper raises the clear point that some of these breeds MAY have been imported illegally or are being concealed (page 10)?

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Animal Care Australia is at a loss how this additional regulation will actually achieve anything when even this Paper is implying people will continue to ignore the current regulations?

This question equally raises doubts as to whether the Queensland Government might be considering bans on other breeds and is simply utilising this to instill an ambiguous clause of legislation that opens the door to achieve such an outcome.

It should be noted that this proposal is referred to as Breed Specific Legislation (BSL), which Animal Care Australia does not support. BSL has been proven to be ineffective worldwide and here in Australia, in Victoria, where it has already been introduced. Animal Care Australia notes dog bite injuries increased following its implementation.<sup>12</sup>

Animal Care Australia does support the implementation of a grandfather clause for any new regulation.

This is especially important as it acknowledges and recognises those owners that do have these breeds under the required permits as having done the right thing, and their animals are protected from any instant destruction. Animal Care Australia also supports the concept of an amnesty approach being incorporated within a staggered grandfather clause.

Animal Care Australia holds reservations as to the qualifications of any local government employee in determining and classifying any dog as a restricted breed based on supposed behaviour. These individuals ARE NOT professional trainers or qualified animal behaviourists.

Any declarations of a restricted breed by ANY organisation (local council, rescue service or RSPCA QLD) MUST be accompanied by a matching DNA result that confirms the breed is indeed a restricted breed (or mix containing a restricted breed). A quick review of listings on pound, rescue and RSPCA websites quickly highlights their inability to correctly identify a multitude of dog breeds, so DNA confirmation is vital.

Animals should not be the one's sacrificed for their owner's poor decision making or misidentification by those tasked to correctly identify them.

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**Animal Care Australia supports the implementation of a grandfather clause for ANY new regulation, as well as an amnesty associated with that clause.**

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<sup>1</sup> [Victorian dog bites](#)

<sup>2</sup> [AVA BSL statement](#)



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**Animal Care Australia questions the need to ban breeds that are already restricted in the country – in effect already banned.**

**Animal Care Australia strongly recommends the inclusion of a legal requirement by those identifying restricted breeds to confirm the breed via DNA-matching.**

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### **The introduction of a new state-wide requirement for dogs to be effectively controlled in public places**

Animal Care Australia supports the idea of a state-wide requirement that overrides any existing local laws, especially where this would remove and restrict the local government to implement overwhelmingly unreasonable requirements, as some local councils in Queensland have done.

Animal Care Australia would like the ability to consult on the proposed exceptions to this requirement as they are not currently detailed in the Discussion Paper.

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**Animal Care Australia would support a new state-wide requirement for dogs to be effectively controlled in public places – subject to reviewing the proposed wording, including any exceptions.**

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### **Reviewing penalties for offences relating to regulated dogs**

*“Regulated dogs are those that pose the most risk to the community.”*

This is incorrect and not supported by any data. Especially when considering what the government is trying to justify: *“A review would take into consideration the need for general deterrence to strengthen overall responsible dog ownership and improve specific individual deterrence to encourage people who have breached the standards and requirements in the Act to do the right thing in the future.”*

As previously acknowledged by this Paper – regulations that already exist are being ignored. Increasing the penalties WILL NOT act as a greater deterrent. **Education will increase responsible dog ownership.**

Regulations and legislative frameworks already exist for dealing with occurrences, so Animal Care Australia questions the real motive behind this potential review.

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“Penalties are applied and enforced by local governments and there are limited avenues for review and appeal.”

On this point Animal Care Australia would support a review. However, in the first instance, Animal Care Australia strongly recommends a review of the definitions of ‘Regulated dogs’ as per Table 1 within the Discussion Paper.

**Table 1. Definition of regulated dogs under the Act**

<b>Declared dangerous dog</b>	A dog which has seriously attacked or acted in a way that caused fear to a person or another animal or, may seriously attack, or act in a way that causes fear to, a person or animal, taking into consideration the way the dog has behaved towards a person or animal. A serious attack means causing bodily harm, grievous bodily harm or death.
<b>Declared menacing dog</b>	A dog which has attacked (in a way that was not serious) or acted in a way that caused fear to a person or another animal or, may attack, or act in a way that causes fear to a person or animal, taking into consideration the way the dog has behaved towards a person or animal.
<b>Restricted dog</b>	A breed of dog included in schedule 1 of the <i>Customs (Prohibited Imports) Regulations 1956 (Cwlth)</i> as being prohibited from being imported into Australia. <a href="https://www.aimpe.asn.au/files/Customs%20Prohibited%20Imports%20Regulations%20F2011C00162.pdf">https://www.aimpe.asn.au/files/Customs Prohibited Imports Regulations F2011C00162.pdf</a>

Further to that review, we strongly recommend the implementation of a ‘review and appeals panel or committee’ that the dog owner and local government can appear before whenever there is a dispute as to the declaration of a Regulated Dog. Local government has far too much autonomy and exerts that power over its residents – often with no regard to circumstances or situations. The Review Panel MUST also include a professional dog trainer as part of its structure. This Review Panel can also deal with disputes over the issuing of infringements related to regulated dogs. The over-zealous actions of several local councils far outreach the level of control any government body should be provided without adequate and fair oversight.

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**Animal Care Australia recommends a review of the definitions of ‘Regulated dogs’.**

**Animal Care Australia would support a review into the Act relating to attacks involving regulated dogs – BUT – to ensure appropriate appeals and other processes are adequate, fair and the enforcement is transparent.**

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## **A new offence including imprisonment as a maximum penalty for more serious attacks**

*“If a dog attack is a serious attack that causes harm to a person, the owner or responsible person for the dog may be subject to criminal or civil liability as a result of the harm caused, depending on the circumstances of the case”*

*“It is proposed to introduce a new criminal offence in the Act that captures conduct of an owner, or responsible person for a dog, who fails to take reasonable steps to effectively control their dog if the dog causes bodily harm, grievous bodily harm or death to a person.”*

Animal Care Australia believes it is reasonable for a person to be held accountable when they fail to take the necessary steps to effectively control their dog (or animal) and on this basis would support a review on what those steps and the penalty sliding scale might look like.

Animal Care Australia also seeks a precise definition of a "serious dog attack". If a person is to be imprisoned on the basis of such an offence it becomes essential to clarify such an offence, removing the current ambiguity and ensuring the courts can act with consistency. It is also essential to review the scope of exceptions to the newly defined offence.

*“The proposed new offence would be a summary offence investigated and prosecuted by suitably trained persons specifically authorised by the chief executive of the Department of Agriculture and Agriculture...”*

Animal Care Australia DOES NOT Support the RSPCA QLD or local council rangers being the officers who enforce any form of animal cruelty offence and/or regulatory related offence involving the designation of a restricted dog. These officers are not suitably qualified and do not align with the community’s expectation of being the appropriate officers to oversee these regulations.

Animal Care Australia is of the view that appropriate measures must be in place to ensure the enforcement bodies (local councils, RSPA QLD, etc) can also be held accountable and have their decisions appealed when they take unreasonable interpretation of the new offence or implement unreasonable requirements when declaring a dog to be a ‘Declared Dog’, ‘Declared Menacing Dog’ or a ‘Restricted Dog’

It is not reasonable if declarations are made based on a sole opinion and not one determined by a trained professional in animal training and/or animal behaviour.

**Animal Care Australia would support a review of new offences and what those steps and the penalty sliding scale might look like.**

**Animal Care Australia does not support the RSPCA QLD or council rangers being the designated enforcers of these regulations without the appropriate oversight, accountability and appeal processes in place.**

### **Clarifying when a destruction order must be made**

Currently the Act and the conditions under which a destruction order can be made are confusing and too easily manipulated.

Animal Care Australia agrees with: *“...There is no guidance provided in the Act about when a destruction order for a dog can be made. In the absence of clear statutory guidance, the Queensland Civil and Administrative Tribunal (QCAT) and the Appeal Tribunal have looked to the objects of the Act<sup>37</sup> and the legislative scheme as a whole to determine the legislative intent and developed a test to be applied when applications are made for external review.*

*The Appeal Tribunal has considered **that the decision to destroy a dog is a major one and should not be made unless there is no other way to ensure the community is protected from the risk of harm... has described the destruction of a dog as a ‘last resort’<sup>39</sup>. It has interpreted the legislative scheme as giving higher priority to the protection of the community than individual rights of dog owners.**”*

Animal Care Australia supports the intent of the following:

*“ the Act could be amended to make it clear that a destruction order may be made for a regulated dog when an authorised officer is reasonably satisfied the dog:*

- *may seriously attack, or act in a way that causes fear to, a person or animal, and*
- *cannot be effectively controlled.*

*It is also proposed to make it clear that an authorised officer must make a destruction order for a regulated dog if reasonably satisfied the dog:*

- *has seriously attacked a person and is likely to seriously attack a person in the future and*
- *cannot be effectively controlled.*

*The Act could also be amended, based on the reasons in the case of Nguyen<sup>43</sup>, to include guidance about what to consider when determining whether a dog can be effectively controlled. The following matters should be taken into consideration:*

- the relevant history of the behaviour of the dog giving rise to consideration of the making of a destruction order*
- any other relevant history of the behaviour of the dog including the circumstances giving rise to the declaration that the dog is a regulated dog*
- the current behaviour of the dog including whether the behaviour of the dog has been, and/or could be, modified through appropriate training*
- the arrangements for the dog at its place of residence including the security of any enclosure and whether any interaction by the dog with persons, including household members and other persons entering upon the property, poses a threat of harm to such persons*
- the financial capacity of the dog owner to provide the necessary control measures and enclosures*
- the risk the dog poses to community health or safety including the risk of harm to people and other animals outside the place of residence of the dog*
- compliance by the owner of the dog with any permit conditions imposed as a result of the dog being declared a regulated dog*
- whether the owner of the dog demonstrates insight into and understanding of the dog's behaviour and has acted appropriately to mitigate any risk posed by the dog to people or animals*
- the rights of individuals including the owner of the dog"*

Animal Care Australia takes issue with the use of 'reasonably' as it is our experience that most enforcement officers around the country have a very different perspective of what is 'reasonable'. Animal Care Australia does not have confidence in the use of the term 'cannot be effectively controlled' especially in reference to the ability of an assessment of the list of criteria for making that determination. That determination requires: "whether the behaviour of the dog has been, and/or could be, modified through appropriate training." That assessment alone requires a qualified/professional dog trainer to assess the dog. That assessment cannot be completed in just one session with the dog.

Therefore, unless the ‘authorised officer’ is a professional dog trainer or animal behaviourist this proposal is flawed and the outcomes it is intending to achieve will fail.

Many dogs are destroyed based on the opinions of unqualified, and often closed-minded individuals. In addition, the recent banning of training devices that should be able to be utilised by professional trainers will result in a determination that the animal is now unable to be trained – that is unless it’s permitted to be moved interstate where sensible regulations still prevail.

As Animal Care Australia has previously stated, it is our firm position several experienced and qualified stakeholders have been excluded from this process to date and it is vital they be consulted and provided with the respect both they AND the dog keeping community and their dogs deserve.

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**Animal Care Australia supports amendments being made to the Act to make it clear when a destruction order can and must be made for a regulated dog – BUT ONLY following greater consultation with the appropriate stakeholders**

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### **Streamlining review processes**

Animal Care Australia does not support limiting when appeals from external review decisions (QCAT) about a destruction order can be sought by owners.

This goes to presumption of guilt and disregards the full right to and intent of an appeal process. Our justice system isn’t perfect, but it should NEVER be circumvented for the sake of convenience – especially when an animal’s life is to be determined and destroyed, most likely because of a human’s poor choices. Let’s not add to that list of poor choices.

Animal Care Australia highlights the following flaws in the Discussion Paper statement used to justify this action:

1. If the owner is appealing the decision, and the council wish to keep impounding the dog - that is council's decision! They should bear the cost. The owner clearly disagrees and should have the right to follow the appeals process and have their animal returned.
2. ‘Be inhumane to the dog’ - How? How bad are councils’ facilities? How poorly are they treating the dogs? The simplest outcome here is to send the dog home with an order to be contained to the property - not be permitted in public - supply a dog run if necessary, and let the owner take care of the dog to a humane level. Is the Discussion Paper implying council run facilities are indeed ill-equipped and have inhumane conditions? If so, why is the Government

permitting those conditions to continue, and yet at the same time blaming the pet owner and placing the dog's welfare at further risk?

3. The dog is impounded, there is no 'uncertainty for the community', they are perfectly safe.

How horrific to have your animal seized, impounded for up to 12 months, destroyed and then sent a bill for it! This is only reasonable if the dog was involved in illegal activities, such as dog fighting, or the owners set the dog to attack someone.

Destruction orders should ONLY be considered if a dog has proven history of aggressive behaviour or attack(s), and/or the owner of said dog is unwilling/unable to contain/restrain it.

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**Animal Care Australia does not support limiting when appeals from external review decisions (QCAT) about a destruction order can be sought by owners.**

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## **Additional factors not covered in the Discussion Paper**

### ***Rescues and Rehoming Organisations***

Animal Care Australia has major concerns with the lack of accountability for rescue and rehoming organisations within the Act and given this Paper is about making dog ownership more responsible and accountable there is a startling absence of holding those currently tasked to rescue and rehoming equally liable in the eyes of the law.

Animal Care Australia is continually informed of person's who have rescued dogs (of all breeds) only to get them home and discover behavioural issues several days later. This is because rescues are run by volunteers who are not qualified in animal training, animal behaviour, breed identification and are predominantly out to 'save all the dogs' regardless of whether the dog should be rehomed or not. Many rescue dogs are highly medicated to 'dumb them down' making them appear more friendly. Once those medications have worn off, the true behaviour appears.

Many rescue organisations function and train under "positive-only" dog training ideologies. These methods still rely on forms of punishment by withholding rewards. Animal Care Australia supports organisations and professionals who utilise a comprehensive approach that involves all effective and humane training methods and techniques.

For further analysis of this please see Appendix 1 at the end of this submission.

**Who should be held responsible here? Currently the Discussion Paper makes it clear, the new owners will be held responsible when in fact the rescue organisation is at full fault.**

Rescues and rehoming services are currently not regulated and are not answerable to anyone until an animal cruelty complaint is lodged. These organisations are releasing dogs back into the community unassessed and medicated when the reality is they are timebombs waiting to go off.

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**Animal Care Australia notes the absence of the inclusion of animal rescue and rehoming organisations in the Paper.**

**Animal Care Australia strongly recommends the inclusion of a review into these currently unregulated organisations.**

**Animal Care Australia recommends a provision within this review for rescue & rehoming organisations to be held liable where proof can be provided by an owner, they obtained the dog under false pretenses or misleading information by a rescue/rehoming organisation.**

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### **COVID Dogs**

COVID dogs are dogs whose behaviour has been affected by the circumstances of the pandemic. These include:

- Their formative months experiencing limited to no social interactions. This is now appearing as behavioural challenges as the dogs adjust to changes in the environment they knew to the new 'norms' of interacting with other people, and other dogs, including the challenge of 'home alone' syndrome as their owners return to work and school exposing separation issues and anxieties leading to them acting out.
- Breeding boom: The stay-at-home restrictions encouraged a strong increase in dog buying. This in turn encouraged a surge in dog breeding and the massive price hikes in certain breeds resulted in a level of greedy breeders seeking to profit. This in turn led to an abundance of poorly socialised dogs whose potential behaviour problems went unaddressed and off-loaded onto their new owners.
- Let us not forget a number of shelters, including the RSPCA QLD put a call out for all of their animals to be rehomed – without a full in person review of the potential new owner. This resulted in many dogs with as yet undetermined issues being 'dumped' onto



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unsuspecting well intentioned people. Many of these dogs needed to be returned, as was evidenced by the massive surge in shelter numbers reported as soon as the restrictions were lifted.

Dogs displaying aggression, resource guarding, or heightened reactivity is not uncommon. These behaviours can arise due to stress, anxiety, or a lack of proper socialisation during the critical developmental stages and is most prevalent in 'Covid dogs'.

Regarding this Discussion Paper, it is essential for the government to recognise the need for dog owners to be educated on these potential behavioural changes and to seek professional help. This may also be a space for both state and local government to step up and provide free or discounted access to professional trainers when a socio-economic need is identified.

Again, we thank you for this opportunity and welcome any questions the department may have and the opportunity to provide further consultation as this process continues.

This submission can be publicly listed.

On behalf of the Animal Care Australia Committee,

A handwritten signature in black ink that reads 'M Donnelly'.

Michael Donnelly  
President  
Animal Care Australia

## **Appendix I:**

Animal Care Australia would like to clarify what **‘Operant Conditioning’** is, as it IS important in formulating your recommendations.

Animal Care Australia notes that during the Inquiry into the **QLD Animal Care & Protection Amendment**, correct use of certain terminologies such as ‘Operant conditioning’, ‘positive and negative reinforcement’ should have come easily from the country’s peak organisations throughout the hearings. However, we were dismayed and deeply concerned to hear Dogs QLD, and Pet Professional Guild and to some extent the RSPCA QLD give testimony confusing negative reinforcement with positive punishment - assuming negative equates to bad.

This is NOT what the 4 quadrants refer to and is not helping clarify the issue at hand. Animal Care Australia noted a blatant misuse of the terms, which appear to have added more confusion to the matter.

For Animal Care Australia there appears to be a very poor comprehension of animal training methods, specifically B.F. Skinner’s Theory of Operant Conditioning and its 4 quadrants within companion animal associations, and more importantly animal rescue & rehoming organisations.

Operant Conditioning is the sound foundation for all modern animal training and is well understood by any educated animal trainer. Dog Training QLD and Professional Dog Trainers Aust were very clear and concise in their use of training terminology.

Animal Care Australia continues to expect misleading interpretations of animal behaviour and training from animal rights/animal protection activists (such as the Animal Defenders Office and Aust. Alliance for Animals) throughout this current consultation process and we strongly advocate against the department viewing those ideologies as valid as they are irrelevant because they are based on anthropomorphising their own ideologies, and not on proven scientific research.

The terms negative and positive do NOT equal bad and good, but simply removing something or adding something.

A reinforcement increases the behaviour re-occurring, and punishment decreases it. Reinforcement does not necessarily involve food.

So, to be absolutely clear:

- ✓ **Positive Reinforcement (R+)** refers to adding something so the animal repeats the behaviour.
- ✓ **Negative Reinforcement (R-)** takes something away so that the animal repeats the behaviour.
- ✓ **Positive Punishment (P+)** adds something so the animal stops the behaviour.
- ✓ **Negative Punishment (P-)** takes something away that the animal stops the behaviour.

Some examples:

- ✓ **R+:** when the dog sits on command, the handler gives him (adds) his favourite toy

- ✓ **R-: the rider on a horse squeezes the horse with her legs, when the horse moves forward, the rider releases (removes) the pressure.**
- ✓ **P+: the zap of an electric fence (adds) when the cow touches it.**
- ✓ **P-: the kitten bites while playing, so the owner stops playing with the kitten (removes) and ignores her.**

Prong collars, for example, are a Negative Reinforcer, NOT a Positive Punishment. The prong collar is used in the same way as a bit in a horse's mouth releasing pressure when the correct behaviour is achieved, increasing the likelihood the animal will repeat the behaviour again. Neither tool is intended to cause pain as this would not help the animal understand what is being asked of them.

All 4 quadrants are important and useful in animal training, even if they are not utilised with equal frequency. Punishment, used correctly, has its place in certain situations. While we would love for all animals to respond perfectly to a food reward alone, this ideology is misguided and unrealistic.

We all experience all 4 quadrants in our lives, intentionally or unintentionally and we learn something from all of these experiences for better or worse. Our animals experience life through similar experiences, often by our sides. We have a responsibility as animal owners to help explain our world and expectations to our pets in ways they can understand, to help them make good choices.

Punishing an animal without purpose, such as hitting a dog because the owner is angry, has no training benefit, and is simply abuse.

No single quadrant is appropriate for all situations, and animal trainers need the tools available to ensure that all animals can be helped and retrained when needed to feel safe and comfortable in this human centric world, regardless of their past experiences.

This is why Animal Care Australia is strongly recommending the inclusion of professional trainers, at all levels of this proposal and the need to review and regulate those privately run organisations that are more often than not responsible for the release of incorrectly assessed dogs into the community.