

**Submission
No 36**

**PREVENTION OF CRUELTY TO ANIMALS AMENDMENT (VIRTUAL STOCK
FENCING) BILL 2024**

Organisation: Animal Care Australia

Date Received: 16 May 2024

NSW Inquiry into the Prevention of Cruelty to Animals Amendment (Virtual Stock Fencing) Bill 2024



Animal Care Australia submission



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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 supports the amendment to permit virtual fencing.
- ✓ Animal Care Australia questions why this amendment only applies to livestock and farm animals.
- ✓ Animal Care Australia recommends that the Bill is not limited to stock animals.

Terms of Reference

NSW Legislative Assembly - Committee on Investment, Industry and Regional Development.

That the Committee inquire into and report on the Prevention of Cruelty to Animals Amendment (Virtual Stock Fencing) Bill 2024, with particular reference to:

- (a) the provisions of the bill,
- (b) the animal welfare, biosecurity, and community safety implications of permitting virtual fencing,
- (c) any benefits, issues or unintended consequences raised by the bill, and whether any amendments may address those,
- (d) any other related matter.

The Draft Bill

Bill Inserts:

Compliance with standards

Page 3, Schedule 1[2], proposed section 16(1), definition of virtual stock fencing device, lines 8–12.

Omit all words on the lines. Insert instead— virtual stock fencing device means a device that—

- (a) consists of GPS-enabled sensors and collars capable of delivering electric pulses and cues to stock animals, and
- (b) is used for the purposes of confining, tracking, and monitoring stock animals, and
- (c) complies with—

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- (i) relevant standards published by Standards Australia from time to time, and
- (ii) requirements published by the Secretary from time to time.

Response to the Bill

- (a) the provisions of the bill,
- (b) the animal welfare, biosecurity, and community safety implications of permitting virtual fencing,

Animal Care Australia supports the use of virtual fencing for horses and livestock, but also for companion animals in general.

We support responsible animal ownership, and keeping animals contained to our own property is one way animal owners are acting responsibly. Some animals are harder to contain than others – some dogs, cats and ponies are notorious escape artists and virtual fencing (as well as electric fencing, including Pingg String) are valuable tools to initially, securely contain and longer term, train those animals to voluntarily stay within their owner's property boundaries.

Not doing so puts those animals at risk of seizure by authorities, accidents with vehicles, attacks by other animals or causing nuisance or damage.

Electric and virtual fencing is a very effective deterrent and Animal Care Australia has no animal welfare concerns with the use of these devices, as long as they are sized correctly for the species, or to the need. (See Appendix 1 for the different categories and restrictions on their use, currently listed in the Regulations)

Animal Care Australia is concerned about the limitations on using virtual or electric fencing to contain cats in particular. While it is not effective to use electric fencing alone, installing an electric fence strand on top of boundary fences and gates is a cheap and effective way to contain cats to their property – or to keep cats OUT of an area they should not be in. At present this is not permitted under the Regulations, especially where fencing is not already 1.5m. Installing a Pingg String inside a boundary fence may not be appropriate if the owner has young children or other animals with access to the yard.

This concerns Animal Care Australia due to the continuing implementation by States and Local Councils of cat containment laws through either overnight curfews or full time 24/7 containment.

While Animal Care Australia supports 24/7 cat containment to one's property, with the cost of living crisis, and people already feeling forced to surrender pets due to struggling to feed them or pay for vet care, we believe it is an animal welfare issue to ensure that all cat friendly means that are cost and labour effective should be permitted to contain cats safely and securely.

Currently virtual fencing devices are commercially available for dogs, but the collars are physically too large for cats, small dogs, or small mammals such as rabbits. The pulse created by these devices is not the issue.

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Animal Care Australia is aware of claims that the shock created by virtual or electric fencing is cruel and distressing to animals. This is simply not true, and we suspect, arises from people who are unfamiliar with the technology.

Animal owners gain nothing by scaring or injuring their animals. The pulse is designed as a deterrent. It is startling, but it is not painful or traumatising.

It is intended to ensure the animal does not touch the fence again in future and not to destroy the animal's trust in its environment. Animal Care Australia horse members can confirm that Shetland Ponies will test the voltage of electric fence on a regular basis, anecdotally showing that it is not distressing enough to deter them from repeated attempts to escape into the neighbours' lawn.

Electric fencing and virtual stock fencing is low voltage, and designed to startle the animal, not harm them. Cattle fencing is usually 6,000V while sheep and horse fencing is usually 4,000V. For comparison – the shocks that we commonly experience in daily life from static electricity is 2,000-4000V and no one is injured or traumatised by this. Less than 2,000V and most people cannot even feel it. While a Taser is 20,000-30,000V.

To suggest that such low voltage is somehow damaging, traumatising, or cruel is genuinely ludicrous.

While standard electric fencing has a visual barrier that acts as a warning system, Virtual fencing also gives the animal advance warning when the animal approaches the boundary – this is usually a vibration or sound that the animal quickly learns to avoid. They do not panic when they feel or hear this warning. It is understood and they behave calmly, simply grazing in the other direction. Virtual fencing is superior to stationary fencing in that the boundary can be moved very easily.

Technology improves quickly, and these devices are quickly becoming smaller. We expect to see them sized for cats and small dogs in the near future. Rather than undergo another inquiry and need to amend the legislation again, within a short period of time, Animal Care Australia recommends the Committee amend this Bill to include all domestic animals, in order to future proof the legislation. This will make responsible pet and animal ownership easier and cheaper in future.

Additionally, virtual fencing technology has already been developed that does not require a collar. Currently it is being trialed in Tasmania by Wildlife Safety Solutions¹ to keep our native wildlife off roads and crossing only at safe times.

Again, as this technology develops and becomes smaller, cheaper, and more available commercially, other unique technologies that we cannot currently imagine will become available. This is another reason to make this amendment more future proof to advancing technologies and not limit it to the current definitions of "virtual fencing" nor limit it to just stock animals.

(c) any benefits, issues or unintended consequences raised by the bill, and whether any amendments may address those,

¹ [Wildlife Safety Solutions](#)

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The description in this amendment fits GPS devices used for other animals (such as dogs and cats) that track the animal's location, without delivering any electric shock.

This could lead to unintended consequences of restricting the use of GPS tracking collars and similar devices. Some trackers make a sound or flash a light when the animal crosses the GPS set boundary or have speakers that allow the owner to communicate verbally with the animal at will. This is still giving the animal a cue, even though it is not a pulse or shock of any kind.

It could also be misinterpreted (accidentally-on-purpose) to mean that a faulty tracking collar is CAPABLE of delivering a shock and therefore illegal at all times, as being an electrical device, they have POTENTIAL to produce a shock. This is not something Animal Care Australia wants to see as an outcome of the current amendment.

Animal Care Australia recommends that:

(a) consists of GPS-enabled sensors and collars capable of delivering electric pulses and cues to stock animals

is edited to state:

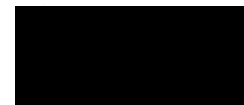
(a) consists of GPS-enabled sensors and collars capable of delivering electric pulses and cues (excluding audio or illumination) to stock or domestic animals

Tracking devices should not risk further restrictions due to unintended consequences of a virtual fencing Bill intended for livestock.

The definitions as outlined within this Bill will complicate the devices listed within the current Regulations and accordingly Animal Care Australia recommends this Committee seeks to have the devices listed in Schedule 3 – Electrical devices – Clause 35 simplified to remove any confusion. Animal Care Australia welcomes the opportunity to consult on this streamlining of the Regulations. Animal Care Australia thanks the Committee for this opportunity and welcomes the opportunity to provide testimony at the Inquiry.

This submission can be publicly listed.

On behalf of the Animal Care Australia Committee.



Michael Donnelly
President
Animal Care Australia

This submission has been developed in consultation with members of Animal Care Australia, in particular, representatives from the Animal Care Australia Horse & Livestock Advisory Group.

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Appendix I: Schedule 3 Electrical devices (current Regulations)

(Clause 35)

Column 1	Column 2
Type of device	Purpose for or circumstances in which not electrical device
Electro-immobiliser	Restraining cattle, but only if used by a veterinary practitioner for purposes other than as an alternative to analgesia or anaesthesia
Electric stock prod	Driving, herding, mustering or controlling weaned cattle or sheep Controlling horses being used in a rodeo, but only for the purpose of getting a horse that has stalled in the chute to exit the chute and not if used on the horse once it has started to exit the chute Loading or unloading weaned pigs onto or from a vehicle for transportation purposes
Electric fence	Confining, controlling or protecting animals (except dogs and cats)
Electro-ejaculator	Collecting semen from conscious cattle or sheep Collecting semen from animals that have been tranquillised and administered with an analgesic or animals that have been anaesthetised
Electric stock grid	Confining stock animals (except poultry)
Electric fightback lure	Training coursing dogs
Electro-fishing device	Catching species of fish under licence, permit or authority under the <i>Fisheries Management Act 1994</i> or in accordance with the <i>Animal Research Act 1985</i>
The device sold under the name Pingg String (including any similar device delivering an electric shock of no greater intensity or duration than a Pingg String)	Confining dogs or cats, but only if used inside a fence through which dogs or cats cannot pass and that is at least 1.5 metres high
Canine invisible boundary	Confining dogs, but only if used inside a fence through which dogs cannot pass and that is at least 1.5 metres high
Electronic bird deterrent device	Deterring birds from roosting on building ledges and other external building surfaces
Any other device producing an electrical discharge that is used in such a way that the animal in relation to which it is being used cannot move away from the device	