



22D051

8 July 2022

The Hon Dr Susan Close MP  
Deputy Premier,  
Minister for Sustainability, Environment and Conservation,  
Minister for Industry, Innovation and Science,  
Minister for Space Industries  
Per email: [OfficeoftheDeputyPremier@sa.gov.au](mailto:OfficeoftheDeputyPremier@sa.gov.au)

Dear Minister,

**Re: Use of electrical device/collars – changes to Regulations to enable virtual fencing.**

During our recent meeting the matter of virtual fencing was briefly discussed, and you indicated that you were of a mind to revisit this issue.

It is SADA's understanding that minor amendments can be introduced to the *Animal Welfare Regulations South Australia (2012)* which will allow for the introduction of virtual fencing in South Australia. Virtual fencing is a technology that allows for animals to be restrained to a specific geographic location by way of audible warnings emitted in the case of cattle by a collar around the animal's neck. During training, the animal will feel a mild electrical pulse if it ignores the audible warning.

As primary producers, we are constantly on the lookout for technologies that will enable our industry to operate as cost effectively as possible while maintaining the highest standards of care to protect both our animals and the environment in which we operate.

One of the areas of substantial expense to farmers are the erection and maintenance of fences. SADA supports the investigation of new technologies that may enable cost savings to be achieved as well as deliver better environmental and social outcomes. Virtual fences can be supported by several technologies including GPS location devices and Wifi.

The advantages of virtual fencing include:

- The technology is species specific so that native animals can move across the landscape unhindered,
- Stock loss through fires can be substantially mitigated,
- Sensitive areas can be protected by virtual ring fencing to a greater extent than can be done with conventional fencing, and
- Stock management and oversight is much more comprehensive assisting with state commitments such as the National Livestock Identification Scheme.
- In extensive grazing systems, the cost of fencing is substantially abated,

In recent times animal collars used in the virtual fencing have substantially stepped forward in terms of animal husbandry. It is not in the interests of any dairy producer to distress an animal unnecessarily and these devices use energy levels much lower than the electric fences or cattle prods in use today.

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## Legislative Impediments

Currently, it is unlawful in South Australia to use an electrical device to manage an animal, but for the operation of the regulations. Section 15 of the Animal Welfare Act South Australia (1985) provides:

***15—Electrical devices not to be used in contravention of regulations***

*A person must not, for the purpose of confining or controlling an animal, use an electrical device in contravention of the regulations.*

*Maximum penalty: \$10 000 or imprisonment for 1 year.*

Regulation 8 then provides:

***8—Use of certain other electrical devices***

*(1) For the purposes of section 15 of the Act, a person must not—*

*(a) place on an animal a collar designed to impart an electric shock unless it is for the purpose of carrying out research into the use of such collars as part of a research program approved by an animal ethics committee; or<sup>i</sup>*

*(b) subject to these regulations, apply an electrical prod or goad to an animal.*

The regulation then goes on to describe the circumstances in which a prod may be used. It is this regulation that makes the use of cattle prods lawful.

Regulation 8(1)(a) was amended in December 2017 to enable research into such technology to occur. It is the position of SADA that Government can now move to enable the use of such technology more generally.

We respectfully submit that it would be just as simple to make regulatory changes that would enable the use of collars and in the process, limit their use to the primary/livestock sector.

Our first recommendation is that regulation 8(1)(a) be repealed and the following words be substituted,

*(a) Subject to these regulations, place an animal collar designed to impart an electric shock; or*

After that amendment we recommend a new sub-regulation 8(2)A which will provide:

*(2) A person may only apply an animal collar in the following circumstances:*

*(a) if the animal is a prescribed animal that is being kept in the course of the business of primary industry; and*

*(b) the animal is being managed for the purpose of primary industry; and*

*(c) the collar is not applied to the face, udders, anus or genitals of the animal; and*

*(d) the animal is able to move away from the perimeter of the area electronically or virtually fenced;*

*(e) the collar is used with restraint; and*

*(f) the use of the collar is reasonably required to ensure the safety of the animal;*



Virtual fencing as developed offers significant opportunities to ensure areas of high conservation value are protected at the same time as providing better animal welfare outcomes both for production livestock and native fauna.

It is the experience of many dairy farmers, that cattle respond quickly to auditory or visual signals and avoid even mild electric fence shocks. These findings are also seen in Australian trials of collars in virtual fencing systems.

### **The future**

It is conceivable that into the future collars may be replaced by other technologies such as ear tags that have the same or similar function. Thought may be given to amending the regulations to reflect this possibility. We offer up the above suggestion merely as a guide should such a policy change be approved.

We urge you to turn a considered eye upon these recommended amendments. They will have the effect of improving animal husbandry to standards even higher than exist today. If you have any questions please don't hesitate to contact us.

Yours sincerely

John Hunt  
President

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<sup>i</sup> This regulation was amended by notice in the Gazette [8(1) varied by 215/2017 8.12.2017], to enable research by the former government.