

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

**Hearing – 5 July 2024**

**Question on Notice**

**Animal Defenders Office**

**Question on notice**

*Chair: ...*

*Are you aware of any legal or animal welfare issues arising from the introduction of virtual stock fencing in other Australian jurisdictions where it's currently in use, such as Tasmania and Queensland? Are you aware of any legal or animal welfare issues that have arisen that haven't been able to be overcome?*

**Response**

In addition to our responses to this line of questioning during the hearing, the Animal Defenders Office (**ADO**) provides the following further information.

In summary:

- (a) Industry users and manufacturers, and/or independent researchers, would need to be consulted to provide information on legal and animal welfare issues regarding the use of virtual fencing in Australian jurisdictions. The ADO is none of these.
- (b) An absence of information on these issues does not and cannot mean that there are no issues.
- (c) The scientific literature indicates known animal welfare issues regarding the use of virtual fencing which have not been overcome.
- (d) Noting the animal protection objects of the *Prevention of Cruelty to Animals Act 1979* (NSW), the above points justify maintaining the present prohibition on the use of these electrical devices in NSW.

**Legal issues**

Noting the nature of the ADO's role and function as a volunteer-run community legal centre, and that the ADO is not involved in compliance and enforcement under animal welfare laws and therefore not a body to which animal welfare matters would be reported, the ADO would not usually become aware of legal or animal welfare issues in

relation to the use of virtual fencing in Australian jurisdictions. This would be a matter for relevant enforcement and regulatory bodies. This was the point of clarifying in the ADO's oral evidence that the ADO is not an enforcement body.

The ADO submits that it is unlikely that users (farmers) and suppliers of virtual fencing, and the industry more broadly, would "self-report" instances of non-compliance or animal welfare concerns to enforcement bodies or government regulators. Accordingly, there is unlikely to be much, if any, information available regarding this issue. For example, it is not clear what monitoring or reporting for animal welfare is involved in the trial and use of the devices and, if there is any, whether each individual animal is checked. The ADO is not aware of evidence suggesting that this occurs and therefore how 'legal or animal welfare issues' would come to light. In addition, it is not clear what kind of animal welfare concerns would be raised outside industry. For example, the ADO submits that it is unlikely that factors such as a lack of predictability and/or controllability, which is regarded as 'chronically stressful' for the animals wearing the devices (submission #25, p6), would be reported externally by users or suppliers. For these reasons the ADO submits that it is critical to have independent scientific research in this area and those conducting the research would be the appropriate entities for lawmakers to consult regarding animal welfare matters and concerns.

The ADO reiterates that an absence of information on these issues does not, and cannot, mean that there are no issues.

#### *Animal welfare issues which have not been overcome*

In terms of known animal welfare issues regarding the use of virtual fencing in Australian jurisdictions, the critical fact is that, according to scientific literature, several significant animal welfare issues remain and have not been overcome. This is acknowledged and discussed in scientific literature referred to in our written submission at paragraphs [25] to [29]. These sources are not exhaustive, but illustrative of some of the outstanding key animal welfare issues.

The ADO also notes that a number of other written submissions, including those which indicated some (qualified) support for the use of virtual stock fencing, highlighted and discussed a range of known animal welfare issues, such as:

- Tasmanian Institute of Agriculture, University of Tasmania (Submission No 25);
- The Hon. Emma Hurst, MLC (Submission No 43);
- RSPCA NSW (Submission No 49);
- The University of Adelaide (Submission No 50);
- Sydney School of Veterinary Science, University of Sydney (Submission No 56).

Thank you again for the opportunity make submissions and give evidence to the Inquiry.