

26th May 2024

E: animalwelfareactreview@sa.gov.au

RE: Draft Animal Welfare Bill

Animal Care Australia (ACA) is a national incorporated association established to consult with government in advocating 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.

Animal Care Australia reiterates that we **do not support** the continued use of a charitable organisation for the purpose of enforcing animal welfare laws in South Australia.

Animal Care Australia strongly recommends the use of authorised offices employed by the government.

Animal Care Australia highlights the following points which are of highest importance, outcome, and impact:

1. Animal Care Australia opposes granting any powers to the RSPCA as Authorised Officers. ALL authorised officers MUST be employed by the State and not charitable organisations.
2. Animal Care Australia does not support the requirement of having to ‘license’ events, activities, particularly when the provision of determining those activities and class of licensing is controlled through Regulations that can be adjusted by the Minister without any form of consultation with the those that would be directly affected. The assumption activities involving animals must be licensed is derived by the animal rights indoctrination that ‘animals should not be used.’ This misconception highlights a sad state of understanding of animal behaviour by the department and subsequently the government.
3. Animal Care Australia supports the notion of the Minister requiring authorised officers to be trained, as long as the Minister also stipulates the level of qualifications needed AND the content of which they are to be trained.
4. Animal Care Australia recommends all material used to train authorised officers must be consulted with key stakeholders and not just the intended authorised officers’ organisations.
5. Animal Care Australia opposes the right of the RSPCA to solely carry out their own training without an independent training and assessment of officers.
6. Animal Care Australia OPPOSES the right of entry by an authorised officer without consent, a warrant or imminent danger to an animal.
7. Animal Care Australia OPPOSES the right of entry by an authorised officer to collect samples from an animal. If samples are required these MUST be taken by a veterinary practitioner.
8. Animal Care Australia STRONGLY OPPOSES the ‘Requirement to give information to authorised officer during entry’ and STRONGLY recommends it be removed. The blatant disregard of a person’s rights (to be silent) is APPALLING!
9. Animal Care Australia STRONGLY OPPOSES the ‘Power to use reasonable force’ and strongly recommends it be removed. This is what South Australia Police are trained for – not employees of a charitable organisation.
10. Animal Care Australia objects to the details of the Act being written into Regulations, rather than the Act itself.
11. Animal Care Australia suggests the Bill has a Section added that provides for people issued an infringement notice to have a right of appeal to the courts.
12. Animal Care Australia strongly recommends focused stakeholder consultation is needed moving forward to prevent unintended consequences due to the current ‘implied’ restrictions under Regulations. This includes reviewing ALL codes of practice as part of ratifying the Regulations.

Animal Care Australia provides the attached submission for further explanation of our position.

We respectfully request a meeting with you and look forward to working with you as you work through our intensive feedback.

Kind regards,

A handwritten signature in black ink that reads "M Donnelly". The signature is written in a cursive style with a large, stylized 'M' and a long, sweeping underline.

Michael Donnelly
President
0400 323 843

South Australian Draft Animal Welfare 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

As a nationally recognised animal welfare organisation, Animal Care Australia has contributed to the development of this Bill via the Animal Welfare Act Review ¹

It is disappointing to see the continued authorisation of charitable organisations enforcing the law. This ignores the changing social conscience and trust when regarding the RSPCA and is not in the best interests of the animals.

Animal Care Australia again notes the inclusion of sections referring to non-existent Regulations.

Regulations – including new regulations – MUST be consulted with key stakeholders and/or the public and should not simply be introduced on the whim of the department OR any Minister.

Responses to the Draft Bill.

Section 3—Interpretation

animal means—

(a) a member of any species of the subphylum vertebrata other than a human being; or

(b) a member of the class Cephalopoda if it is being supplied, kept, or used for scientific purposes; or

(c) a prescribed animal or a prescribed animal kept or used in prescribed circumstances, but does not include an embryo, foetus, larva, or other early developmental stage of an animal except as prescribed by the regulations or set out in a prescribed code of practice.

The inclusion of fish (as they are vertebrate animals) in (a) will have a range of unintended and perverse consequences.

¹ [ACA Response to Animal Welfare Act Review](#)

Aquarium fish, fishing, food preparation, etc. are all affected. Live fish are used to feed other animals, including other fish, captive avian species, and marine mammals. Exceptions to protect the ability of live feeding need to be included in the Act and not the regulations.

Animal Care Australia cannot support Section 3 (2) (a) including fish without an exception for the live feeding of fish to animals

Animal Care Australia cannot support Section 3 (2) (c) when the regulations do not yet exist.

This applies to both ‘adding prescribed animals and early development’ regulations.

authorised officer means—

(a) a police officer; or

(b) a person holding an appointment as an authorised officer under Part 5

Animal Care Australia does not support Authorised Officers who are not direct employees of the state. In particular, Animal Care Australia opposes the appointment of charitable organisation staff to enforce the law.

serious harm means—

(a) harm that endangers an animal's life; or

(b) harm that results in an animal being so severely injured, so diseased or in such physical condition that it would be cruel not to destroy the animal; or

(c) harm that consists of, or results in, serious and protracted impairment of a physical or mental function

Animal Care Australia REMAINS CONCERNED with the use of mental function in (c).

While Animal Care Australia accepts mental function impairment can be the result of serious harm, measuring mental harm is not a simple matter. It is even harder to determine that the actions of a person directly caused the mental impairment.

Animal Care Australia prefers the act (or lack of action) by a person that may cause mental impairment to be the offence, not the mental impairment itself.

Section 4 Principles and objects of Act

Animal Care Australia commends the principles and objects of the Act. However, we strongly recommend the addition of an objective aiming to improve overall animal welfare outcomes throughout the state.

This then needs to be measured so that improvement can be monitored over time.

Animal Care Australia supports Section 4 – Principles and Objects of the Act

Section 5 —General duty of care

Animal Care Australia supports a general duty of care, however, given fish are included as animals there are significant issues that need to be resolved, as previously stated in Section 3.

Resolution could be via a code of practice under s 5(3) permitting use of live feeder fish, and other uses.

While this may an option Animal Care Australia, recommends fish are separated from the definition of an animal, in order for certain uses of fish to be exempted from the definition of an animal in Section 3.

Section 6 —Ill treatment of animals etc

Animal Care Australia supports s 6 in principle.

We suggest different terms are used for the s6(1) major offence compared to the s 6(2) less significant offence. Perhaps simply “Serious ill treatment” or “aggravated ill treatment” and “Ill treatment” for the lesser offence.

s 6(3)(d) will be a problem for feeder fish – lionfish require live feeders as their diet - or even live bearing aquarium fish who routinely consume their young if not separated forthwith. Similarly for feeding captive birds (such as kingfishers) live fish, and no doubt many other situations will currently lead to a theoretical “ill treatment” offence.

s 6(3)(g) cannot be supported until we see the regulations. There are numerous medical procedures routinely performed on captive animals by competent owners and listing all such procedures in the

regulations is an enormous task – there are also minor surgical procedures performed by competent owners.

Animal Care Australia STRONGLY RECOMMENDS consideration is given to inserting the words “which is not in the best interests of the animal’s welfare” after the word “animal.”

Again, **s 6(3)(h) cannot be supported** until we see the regulations.

Section 7 —Prohibited activities

In s 7(2) being present (including 2 hours previous) at an event is the offence.

Animal Care Australia suggests the offence should require some intent to support the event, otherwise those who are actively opposing such events will be caught. Modifying the defence subsection s 7(4) to include “or can show no intent to support the event” would be a suitable resolution.

Section 9 —Electrical devices not to be used in contravention of regulations

(1) A person must not, for the purpose of confining or controlling an animal, place on the animal or use an electrical device in contravention of the regulations.

(2) In this section— electrical device means any of the following devices designed for the purpose of confining or controlling an animal:

- (a) an electrical prod or goad;*
- (b) a collar designed to impart an electric shock;*
- (c) an electroimmobiliser;*
- (d) any other electrical device prescribed by the regulations*

This section includes both electric control collars for training and potentially virtual fencing.

Please see the attached Appendix relating to the use of e-collars. **Animal Care Australia fully supports the information provided by Professional Dog Trainers of Australia.**

Virtual fencing is a growing form of technology that is being adopted by a multitude of animal owners, and this section effectively bans its use in South Australia. Strangely – the inclusion of virtual fencing is being added to the POCTAA in NSW – not being banned or restricted. Both virtual (electric) containment fences and collars are tools required for certain animals, premises, and circumstances. There is substantial literature available on the positive use of these devices. Virtual fencing is now being used for controlling native wildlife and does not utilise a collar. Depending on the circumstances virtual fencing may include the use of a light shock right through to use of light or

sound to control the animals. This MUST be addressed in this Act and not reliant on any inclusion in the Livestock Act.

Making these forms of equipment illegal has the potential to raise euthanasia rates of dogs. The rates are unnecessary as correct use of these collars allows the dogs to be trained and their behaviour improved.

Animal Care Australia does not support Section 9 (2) (b) without the additional exception of supervised use by a professional trainer, veterinary practitioner, or approval by the Minister; and,

an exception for virtual and electric fencing used to contain all animals.

Section 11 —Special requirements for greyhound racing entities

Animal Care Australia supports this section.

We make the comment that witnessing an offence and not reporting it is a more significant offence than suspecting.

Animal Care Australia recommends it is always compulsory to report an offence when it has been witnessed. s 11(2) would then only apply to suspicion.

Section 12 —Exemption for fishing activities etc

Animal Care Australia recommends this may be an appropriate section to exempt aquarium and other hobbyist activities where the animals kept require live fish or consume live fish as part of their behaviour.

Section 13 (3) (a): Animal Welfare Advisory Committee

Animal Care Australia has been attempting to find a current listing of the two animal welfare representatives on this Committee – noting that one representative must represent enforcement and one must be the RSPCA – we would seek further knowledge of how the two representatives are determined by the Minister. These positions are vital especially given the RSPCA operates under ideological and animal rights policies and not animal welfare science-based policy. Therefore:

In s 13(1) Animal Care Australia recommends the Minister must, not may, establish an AWAC.

In s 13(3) Animal Care Australia recommends there are members of the AWAC and there are observers/advisors to the AWAC. Enforcement (s 13(3)(b)) and government administration (s 13(3)(h)) to be observers/advisors to the AWAC.

In s 13(3) Animal Care Australia strongly recommends the addition of two additional members representing the interests of domestic animals and exhibited animals.

Animal Care Australia recommends the following additional responsibilities of the AWAC are added to s 13(9) as follows:

- to respond to complaints regarding the activities of authorised officers.
- to review and recommend standard operating procedures for the activities of authorised officers.
- to specify suitable training for authorised officers.

**Animal Care Australia strongly opposes a default RSPCA member of the AWAC.
We do not oppose an RSPCA appointed observer/advisor.**

Animal Care Australia strongly recommends a Review of the membership of the Animal Welfare Advisory Committee to be completed and a new Committee appointed from the date of assenting this Act.

Section 15 — Requirement to hold licence for prescribed activities

Animal Care Australia understands the “Australian code for the care and use of animals for scientific purposes” has been adopted by all states including South Australia.

While we are not experts in this area our advice has been sought in other jurisdictions. In general, Animal Care Australia supports the nationally accepted code and suggests it is referenced directly within Act.

We presume the intention is for s 15(3) prescribed activities (scientific purposes) to apply to the entirety of Division 1? Currently there is some ambiguity. The Division extends to licences more generally, then Animal Care Australia has further concerns regarding s 16-22.

Section 16 (2) – Classes of licence:

(2) The regulations may—

- (a) prescribe additional classes of licence; and*
- (b) divide a class of licence into subclasses; and*

(c) prescribe the persons or organisations, or classes or groups of persons or organisations, to which licences, or any classes or subclasses of licences, may be granted

Animal Care Australia cannot support the ability of the Minister to prescribe additional classes of licence.

Animal Care Australia recommends all classes of licence are included in the Act (not regulations or policy) along with the ability of the Minister to approve specific one-off licences in special circumstances within the Act.

Animal Care Australia is concerned with this sitting within the Regulations without a requirement for stakeholder (if not public) consultation. The sudden creation of additional license classes without proper consultation is fraught with the opportunity for any minister or the department to create unnecessary restrictive regulatory controls without an opportunity to review the scientific and factual basis of the need for those controls and support.

This section does not encourage animal ownership and takes away responsible ownership obligations by overregulating animal owners.

Section 23 — Permits for prescribed activities and items

Animal Care Australia cannot support this section until we view the list of prescribed activities and items.

It appears that prescribing activities and items under this section will essentially ban these activities and items without a permit.

Therefore, **Animal Care Australia recommends** the Act includes the list of activities and items, perhaps with the ability to add to the list via the regulations. Currently it is unclear of the intended activities or items envisaged to be legal under permit only.

Sections 24 through 31

These sections appear to be directed towards Animal Ethics Committees, however s 25(2)(b) enables these sections to be utilised for registering other unknown activities.

Animal Care Australia recommends deleting 25(2)(b) or if there are other committees that suit similar regulation to that of Animal Ethics Committees they should be listed in the Act.

Section 32—Appointment of authorised officers

Animal Care Australia STRONGLY recommends a section is inserted after s 32 that confers

management, oversight, and control of non-police Authorised Officers to the government, either the Minister of their delegate.

Note that Animal Care Australia recommends the AWAC is also provided powers in relation to this matter via our recommended edits to s 13.

Section 33 — Identification of authorised officers

Animal Care Australia recommends non-police Authorised Officers do not wear uniforms and **totally opposes** their ability to carry batons, tasers, etc. If a suspect becomes aggressive then the police should be enrolled. Non-police Authorised Officers should, in the first instance at least, be seen as educators aiming to improve animal welfare.

Animal Care Australia recommends a subsection is added to s 33 to implement this advice.

Animal Care Australia opposes the use of charitable organisations for enforcing law. Authorised Officers MUST be employed by government.

Section 34 — General powers of authorised officers

Non-police Authorised Officers **should not be permitted to use reasonable force**. If such force is required, then police officers should attend or be called to attend.

Seizure of animals should be an action of last resort.

Animal Care Australia recommends replacing s 34(f) with the following.

Except in obvious welfare emergencies, seizure of animals should only occur after the following has taken place:

- the owner's vet has been ascertained and contacted where applicable, and
- the animal is in a state that requires attention and the owner has indicated by act or omission that they are unable to provide the needed attention

Animal Care Australia strongly insists that no entry to any residential property is to take place without the authority of a court issued warrant. Residential property refers to the home, ancillary buildings, and ancillary yard. For example, in a residential area it refers to the entire premises. We are dismayed to read this is not the case.

There are two exceptions when an Authorised Officer may enter a residential property without a warrant:

- when urgent action is required to prevent serious harm occurring to an animal.
- when the owner or similar has given specific permission, and the officer has made it clear that may remove permission at any time.

Section 35 — Provisions relating to seizure of things other than animals

(2) If a thing has been seized under section 34(1)(f), the following provisions apply:

(b) if proceedings for an offence relating to the thing are instituted within the prescribed period after its seizure and the defendant is convicted or found guilty of an offence, the court may -

(ii) where it has been released pursuant to paragraph (a)—order that it be forfeited to the Crown or that the person to whom it was released or the defendant pay to the Crown an amount equal to its market value at the time of its seizure, as the court thinks fit;

In s 35(2)(b)(ii) Animal Care Australia is unclear of the logic.

Animal Care Australia TOTALLY OPPOSES this subsection. Regardless of guilt, why would the Court be justified in ordering the defendant to pay the Crown the value of a seized item the defendant owns?

Section 36 — Routine inspections

Animal Care Australia questions the need for such powers of entry for an Authorised Officer to be undertaking a routine inspection?

We note this Act and also s 25D of the Dog and Cat Management Act 1995 provides officers certain powers which also includes entry to all areas including residential.

To be clear Animal Care Australia recommends any routine inspection cannot be undertaken in the residential part of a premises where residential refers to the home, ancillary buildings, and ancillary yard except under the authority of a court issued warrant.

(3) Non-compliance with this section does not affect the validity of the exercise of powers by the authorised officer under this Act.

Animal Care Australia totally opposes s 36(3). If an Authorised Officer performs an inspection that contravenes the Act, particularly this section - then all evidence gathered IS invalid and inadmissible.

Section 39 — Offence to hinder etc authorised officers

(2) A person who—

(b) when required by an authorised officer under this Act to answer a question, refuses or fails to answer the question to the best of the person's knowledge, information, and belief,

is guilty of an offence

s 39(2)(b) is TOTALLY OPPOSED by Animal Care Australia. It is a basic right to remain silent and must be the case here. To make it an offence to not answer questions is unconscionable.

Section 40 — Enforceable undertakings

(1) If the Minister is satisfied that a person is contravening a requirement of this Act, the Minister may ask the person to consent to an enforceable undertaking setting out actions the person agrees to take, or to cease, within a specified time, any costs or expenses the person agrees to pay in respect of action taken or to be taken by an authorised officer or the Minister and any other matters that may be agreed between the Minister and the person.

In s 40(1) it is unclear to Animal Care Australia why an Enforceable Undertaking would require costs/expenses incurred by the Authorised Officer to be paid by the person, therefore **Animal Care Australia opposes this section.**

42—Special powers to protect animal welfare

Animal Care Australia agrees with this section however we have concerns regarding s 42(2)

(2) An authorised officer who takes action under this section in good faith does not incur any civil or criminal liability for taking that action.

which enables Authorised Officers to act with impunity. Should an Authorised Officer take action that causes additional pain or distress then they should be subject to the provisions of this Act not indemnified by it.

Section 43 — Seizure and forfeiture following non-compliance with notice or undertaking

Animal Care Australia has concerns that the seizure of animals is being used as an alternative punishment when fines may be more appropriate.

Animal Care Australia is aware of cases in other jurisdictions where animals have been seized, and then maintained in conditions far more concerning than the conditions from where they were seized – this is unacceptable.

Animal Care Australia recommends that animals can only be seized to improve their welfare and the Authorised Officer must be confident they can demonstrate this to be the case prior to the seizure.

(5) For the avoidance of doubt—

(a) action may be taken in relation to an animal under this section whether or not the owner of the animal has been charged with, or prosecuted for, or has expiated an alleged offence under this Act in respect of the refusal or failure to comply with a notice or undertaking; and

s 43(5)(a) is not supported in its current form. If no charge for an offence under the Act has occurred then seizing an animal is inappropriate.

Animal Care Australia is aware of cases in other jurisdictions where people surrender animals after they have been seized on financial grounds. They cannot afford to fight charges or pay for the kenneling fees, so they plead guilty and surrender. Such situations are to be avoided; therefore, we recommend kenneling costs are borne by the state.

Section 44 — Dealing with seized animals

(4) The Minister may only sell, rehome, or destroy (or arrange for the destruction of) a seized animal if the Minister—

(a) is satisfied on reasonable grounds it is in the best interests of the seized animal; and

(b) has complied with subsection (3); and

(c) where the identity of the owner of the animal is known, if—

(i) the Minister has given notice to the owner under subsection (3)(b); and

(ii) the person—

(A) has not, within 14 days after the day the notice is given (the application period), applied to SACAT under section 50 for review of the decision; or

(B) has applied to SACAT under section 50 for review of the decision within the application period and the Minister's decision has been confirmed

In s 44(4)(c) 14 days' notice must be given before action to sell, rehome or euthanise is made.

Animal Care Australia is aware of cases in other jurisdictions where notices have been incorrectly addressed, and as a consequence seized animals have been euthanised by RSPCA without the owner's knowledge.

Therefore, **Animal Care Australia recommends** the 14 days only commences after such notice has been verified as received.

Section 45 — Costs

Costs can only be recovered once a person is found guilty and convicted of an offence.

Even in this case **Animal Care Australia recommends** the kenneling costs, which build due to extended time required for court action should be borne by the state to ensure natural justice as described in Section 43 above.

Sections 46 and 47

Animal Care Australia supports giving the courts the option of making orders specific to individual cases. We oppose blanket bans and appreciate that such blanket bans are not proposed.

Section 50 — Reviews by SACAT

Animal Care Australia recommends SACAT is conferred with jurisdiction and powers to investigate allegations made against Authorised Officers, in particular Authorised Officers who are not in the direct employ of the state, such as RSPCA employees.

Section 53 — Registration of interstate orders

Animal Care Australia recommends interstate orders made for convictions where the offence leading to the conviction does not have a corresponding offence in this Act are not registerable.

Section 60 — Service of notices

Animal Care Australia recommends verification of a notice having been received must be received before further action can take place. An email that may be filtered to the junk or spam folder is not serving a notice.

Animal Care Australia welcomes any questions you may have as you continue to finalise this review. We welcome the opportunity to meet with the department and the Minister in order to ensure an appropriate animal welfare Act is produced.

This submission can be publicly listed.

On behalf of the Animal Care Australia Committee,
Michael Donnelly – President,

This submission has been developed in consultation with a range of members of Animal Care Australia and the Animal Care Australia Species Advisory Groups. We also fully support the Professional Dog Trainers of Australia submission.

Appendix:

PDTA eCollar section for Welfare Act

Modern Electronic Training Collar Technology

Electronic training collars (also known as remote electronic training collars, or electronic training aids ETA's), were first developed in the mid-20th Century. Initially, the devices were rudimentary and used primarily for training hunting dogs. As technology advanced, so did the design and functionality of electric training collars eventually being developed into what has become one of the most sophisticated and versatile training tools available in dog training today [4].

It is a common misconception that electronic training collars utilise 'shock' in their operation. 'Shock collar' was never an official term for the tool, but rather, a slang term which does not accurately represent the technology.

Various organisations that had previously used the term shock or shock collar: have now withdrawn that terminology. By way of example the Companion Animal Welfare Council published a review of electronic collars studies (CAWC 2012) in which it deliberately did not use the term 'shock' at all because it is both inaccurate and 'associated with biased personal opinion and emotional connotations. [5]. An opinion shared by many authorities, as described in Steve Lindsay's extensively researched three volume Handbook of Applied Behaviour and Training:

"The term 'shock' is hardly fitting to describe the effects produced by electronic training collars, since there is virtually no effect beyond a pulsing, tingling or tickling sensation on the surface of the skin. The word "shock" is loaded with biased connotations". [6]

The technology used in modern e-collars is in fact the same used in TENS machine technology. A transcutaneous electrical nerve stimulation (TENS) device is used as an alternative to painkilling medication and in physiotherapy for injury treatment and recovery. TENS machines work by delivering electrical impulses (stimulation) through electrodes attached to the skin.

The following from a training article on electronic collars:

"Electronic collars utilise Electronic Stimulation (ES) not electric shock. Electronic stimulation is the artificial stimulation of living tissue by means of an electric field or current (IEC). The ES delivered by modern electronic collars is transcutaneous electrical nerve stimulation (TENS), which artificially stimulates nerves and sensory receptors. TENS has no injurious consequences and is often used to manage chronic pain in humans" [7]

ES is quite different from actual electric shock, as the sudden application of electric current to a living organism with sufficient strength and duration to produce a convulsive or thermal effect (IEC) with injurious exposure consequences [8].

From a study conducted by the University of Lincoln UK, Department of Biological Sciences, Lines et al 2013:

“In this investigation, the stimulus strengths of e-collars were measured and compared...the highest voltages are present for only a few microseconds, and do not indicate an obvious welfare concerns.” [9]

In addition, Lines et al 2013 is another study that refrains completely from using the word shock, and correctly refers to it as stimulation, thus maintaining their scientific and professional integrity. While there is not a single legal case on file in Australia involving harm done by an e-collar, the word shock is still used, albeit less frequently. Propaganda and bias are still prevalent in organisations that oppose their use based on unsubstantiated claims, such as defamation resulting in the Orion v RSPCA VIC court case that ruled against the RSPCA due to inaccurate and misleading information regarding electronic collars [10].

Remote Electronic Training Collar Training Uses

What can the Remote Trainer E-Collar be used for ?

1. It is used to increase reliability and performance standards of already trained behaviours.
2. It can be used to solve problems created by poor initial training or inappropriate prior learning.
3. It can be used to reduce or eliminate or manage many unwanted behaviours.
4. It is used to communicate information or directives to the dog.

E-collar training methods utilise various aspects of learning theory including both operant and classical conditioning.

The following section outlines specific issues facing communities as well as the unparalleled solutions e-collar methods provide.

Predatory Attacks

Predatory attacks by domestic dogs are an increasing issue impacting Australian rural, and semi-rural communities, and due to urban sprawl, dog populations in semi-rural areas are increasing as are

predatory attacks, putting financial and emotional strain on farmers, dog owners and the community as a whole.

Aggressive behaviour can be classed as two distinct types: The first (which includes a number of sub-types) is defensive in nature, reflecting a real or perceived threat, is emotionally unpleasant to the dog and is triggered by the amygdala in the brain (fight-flight response) [11]. The second type is predatory aggression.

Predatory aggression is uniquely different from all other forms of aggression in that it involves different regions of the brain and positive emotional states. More specifically, predatory aggression (aka predation or predatory behaviour) involves the SEEKING System; a euphoric state of motivation and anticipation (releasing the feel-good neuro-chemical dopamine), which is self-reinforcing and biological fulfilling to a dog [12].

Livestock Attacks

A few of the many accounts of attacks, include a 2023 example in Western Australia involving 59 sheep, and one emu being attacked by two dogs. The farmer reported bodies being littered all over his paddock and dam of dead and dying animals. Only two days later the same farmer assisted his neighbour in euthanizing some of their sheep after 19 were attacked by the same two dogs. The dogs were eventually caught and put down and the owner fined [15].

In Victoria, one 2023 report highlights an increase dog attacks on prey animals such as horses, sheep and chickens [16], another describes 11 sheep being attacked on one property of which the farmer states:

"Our ewes are about to start lambing and another attack during lambing could devastate our farm business for this season... We are effectively under siege from people moving to country blocks, who are often from a city background with little or no awareness of farming realities." [17].

It's important to reiterate that dogs who've had success attacking prey animals will likely attack again. As already discussed, predatory behaviour is biologically fulfilling and self-reinforcing. Research, specifically looking at predatory aggression in Australia has shown that: "Unless dogs were destroyed, contained or relocated by their owners they were likely to attack again" [14].

Costs to Community

Numerous costs effect communities as a result of predatory attacks.

For farmers, this includes financial losses due to loss of time, loss of business related to animals, loss of animals (including breeding animals), damage to property and veterinary costs. Farmers also suffer the emotional effects of discovering killed and suffering sheep, lambs and other farm animals. The

task of destroying animals and the fear of future attacks, and also the strained relations and legal battles with neighbours or locals owning the dogs responsible.

Dog owners face the financial impact of legal fees and council fines, veterinary costs and fencing, containment of their property and dog training costs. Emotionally, owners face the impact of losing their pets, the guilt of responsibility and the anger of farmers and their community and fear of their current or future dogs attacking again.

Management and Education

Management via adequate fencing, containment in kennels and runs, as well as keeping dogs inside and on leashes are all options to prevent dogs from coming into contact with livestock. On semi-rural and rural properties, however, the cost of adequate fencing that a dog cannot escape is not financially possible for many, and dogs cannot be inside or in kennels all the time. And while owners may do the right thing by keeping their dog on leash, leashes do get dropped from time to time. Increasing penalties to owners after their dog has attacked does not stop the attack in the first place, while owner education on canine predation and dog control via council officers all contribute, even the most responsible owners can have instances of management failing and their dog getting out, and council officers cannot monitor each property and dog.

E-collar Training for Predation

The only effective way to stop a dog attacking livestock is to train avoidance behaviour. Effective training gives peace of mind that if management fails, or after a dog has previously come into contact with livestock, there is a safety in place to stop dogs wanting to approach livestock in the first place. E-collar training involves pairing an aversive stimuli with the chase phase of the predatory sequence. The result is that stalking / chasing the prey animal is no longer reinforcing and creates a conditioned aversion to the behaviour and animal, resulting in a dog wanting to avoid the animal all together.

E-collar training for predation is the only training method that shows efficacy in stopping predation, both in research and the field.

Evidence in Literature: E-collar training for predation:

Experimental research looking at training methods for specific training criteria is limited, however, e-collar training for predation is one of the exceptions.

As previously outlined, predation is a self-reinforcing behaviour; it feels good to a dog. This means positive reinforcement methods are unlikely to effectively stop predatory aggression, especially in the

contexts attacks usually occur, and to date there is no research or evidence in the field to suggest otherwise:

“While positive reinforcement can be used exclusively for certain behaviours, it’s suggested in the context of instinctive motor patterns [the predatory sequence], negative reinforcement and positive punishment may be desirable and necessary additions to positive reinforcement technique.” [18].

Christiansen (2001) looked specifically at canine predatory behaviour in regard to sheep and concluded:

“Aversive conditioning with the use of [e-collars] is an efficient method for reducing the probability of a dog chasing or attacking sheep on pasture... no adverse effect of this was observed”. [19]

Not only does research demonstrate efficacy of e-collar training for predation in dogs, but it has also been shown effective in wild canids such as wolves and coyotes; predators with the full, instinctual predatory sequence on which an animals survival depends. Even with this biological drive, research shows classically conditioned aversion to be effective:

“[e-collar] averted all 13 attempted attacks on lambs. Prey killing aversion can be most readily established by applying response contingent aversive stimuli during the chase and attack phase of the predatory sequence”. [20].

In New Zealand, e-collar aversion training is utilised as part of a government conservation scheme working with approved, experienced dog trainers to save flightless Kiwi birds from extinction [21]. Dogs are one of the leading causes for declining Kiwi numbers [22], yet Kiwi habitat includes areas where dogs are present on rural and semi-rural properties and hunting dogs are also utilised in remote areas to control numbers of feral pigs which damage fragile eco-systems. Dogs are not permitted in areas Kiwi are present unless dogs are certified having undergone aversion training. The New Zealand Kiwi avoidance training scheme is an excellent example of application of experimental research as a real-world solution:

“Majority of dogs avoided KAT stimuli [Kiwi aversion training) regardless of whether an electric collar was worn, and that the training generalised to other locations and lasted at least one year”. [22] [23] Included in this area is snake aversion training, an issue that impacts hundreds of dogs and owners every year which management often fails to stop. Snake aversion training utilises the same approach as methods already broken down via research above.

While there are positive reinforcement/’Force Free’ type approaches available for predation and snake avoidance training, there is no evidence in research or the field supporting effectiveness, or any precedent to suggest they would be considering the nature of predation and its instinctual

drivers. These programs are offered based on the theoretical assumption of ‘better welfare’ as a reaction to e-collar training misinformation, but this assumption discounts the welfare implications of growing livestock attacks, subsequent destruction of the dogs involved and dogs injured or killed as a result of snake bites.

When it comes to welfare implications of e-collar training, not only does experimental research demonstrate effectiveness without welfare concerns [5] [8] [18] [20] [21] [22] [23] [24] [25] but research by Salgirli et al (2012) specifically comparing a ‘Force Free’ approach with e-collar training demonstrated both a higher learning effect and less stress, than the Force Free method, which showed lowest learning effect and higher stress [26].

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