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OF SOUTH AUSTRALIA**

THE VOICE OF THE SOUTH AUSTRALIAN LEGAL PROFESSION

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14 July 2011

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RB;rp

Dr Duncan McFetridge MP
Member for Morphett
Parliament House
North Terrace
ADELAIDE SA 5000

Dear Dr McFetridge

Position Paper on the Use of Steel-jawed Leg Hold Traps in South Australia

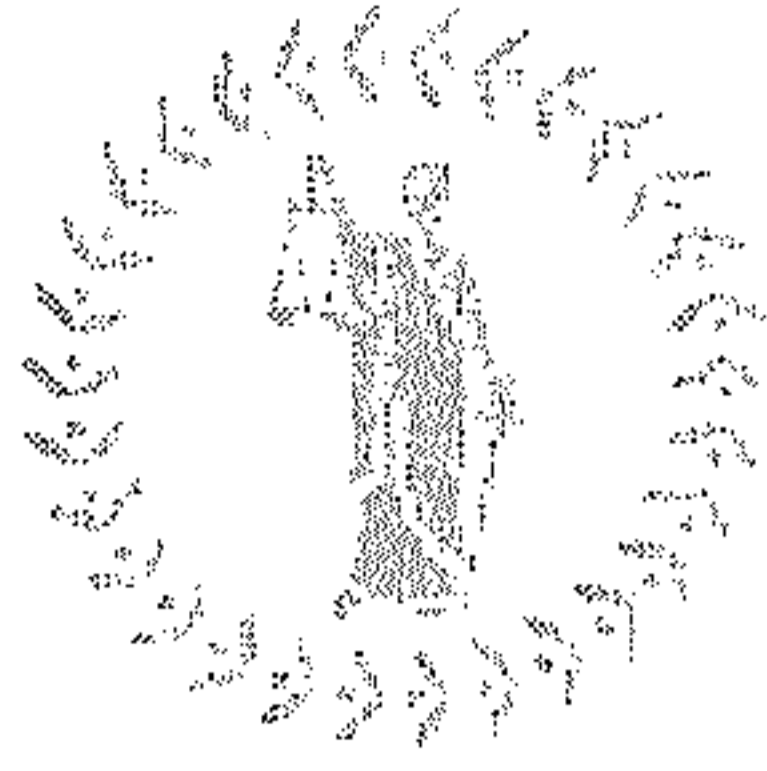
I refer a letter that the Society's Animal Law Committee sent to you on 22 December 2010 in relation to the use of steel-jawed traps in South Australia and to your subsequent meeting with the Chair of the Committee, Ms Joana Fuller, and a Member of the Committee, Ms Susan O'Toole on 11 February 2011, at which you discussed this issue.

The Animal Law Committee has now prepared a Position Paper on the subject, which is attached.

I trust this is of interest and expect that you will be back in touch with the Committee in relation to the Position Paper.

Yours sincerely

Ralph Bönig
PRESIDENT



THE LAW SOCIETY
OF SOUTH AUSTRALIA

POSITION PAPER

on

**THE USE OF STEEL-JAWED LEG HOLD TRAPS
IN SOUTH AUSTRALIA**

ANIMAL LAW COMMITTEE
14 July 2011

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TERMS OF REFERENCE

A concerned member of the public approached the Law Society of South Australia's Animal Law Committee appalled by recent footage on television showing a dingo caught in a steel jawed leg hold trap. As a result, the Animal Law Committee researched this issue and in preparing its position paper on the use of steel jawed leg hold traps in South Australia recommends that:

1. The possession of steel jawed leg hold traps be declared illegal, subject to certain specific exceptions.
2. Regulation 6(1) and 11(1) of the *Animal Welfare Regulations 2000* (SA) ("the Regulations") be amended to prohibit the possession/use of steel jawed leg hold traps.
3. Section 22 of the *Dog Fence Act 1946* (SA) ("the DFA") be amended in similar terms to avoid inconsistency.

INTRODUCTION

The traps that are most commonly and traditionally used for wild dogs in Australia are toothed, steel jawed leg-hold traps. These traps have a large serrated jaw spread and are sprung by one or two leaf springs. They are commonly called *Lane's* traps (two springs, Stockbrands P/L, Western Australia).¹

From an animal welfare perspective, steel jawed leg hold traps ("steel jawed traps") are inhumane. Steel jawed traps cause serious physical injury, pain and distress. The use of steel jawed traps for control of vertebrate pest species in Australia is being questioned because of the serious injuries often sustained by trapped animals, as described by Tullar² and Thompson³.

The use of steel jawed traps is prohibited in New South Wales, Tasmania, Northern Territory, Australian Capital Territory and Victoria.⁴ In South Australia, steel jawed traps are banned from use in municipal council areas only. Steel jawed traps have received much attention from animal welfare and anti-trapping lobby groups worldwide as a result of poor welfare outcomes. The leg-hold trap was banned in the UK in 1958 and is now banned in at least 80 countries.⁵ Restriction on the use of leg-hold traps commenced in New Zealand in 2008 and as of 1 January 2011, only padded leg hold traps can be used.⁶

There are also moves internationally to ban steel jawed traps. The International Organization for Standardization has developed *Draft International Trap Standards* which seek to standardise the modification of animal traps and promote the use of efficient alternatives to standard steel jawed traps which cause less injury to restrained animals and reduce the number of non-target captures.⁷

¹ PJS Fleming et al, 1998 'The performance of wild-canid traps in Australia: efficiency, selectivity and trap-related injuries' (1998) 25 *Wildlife Research* 327-338.

² B. F. Tullar, 'Evaluation of a padded leg-holding trap for capturing foxes and raccoons' (1984) 31 *New York Fish and Game Journal* 97-03.

³ P. C. Thompson, 'The behaviour ecology of dingoes in north-western Australia: The Fortescue River study area and details of captured dingoes' (1992) 19 *Wildlife Research* 509-18.

⁴ s23 *Prevention of Cruelty to Animals Act 1979* (NSW); s12 *Animal Welfare Act 1993* (TAS); s18 *Animal Welfare Act 1999* (NT); s60 *Animal Welfare Act 1992* (ACT). Note- private land owners are permitted to use traps on their land in ACT; *Prevention of Cruelty to Animals Regulations 2008* (VIC). The treadle snare was designated to be the device of choice used by Victorian Government trappers since 1987 although large serrated steel-jawed traps were still used concurrently until 2004 under the *Catchment and Land Protection Act 1994* (VIC). From 2000, large 'rubber jawed' (*Lane's* type) traps were used in Victoria in small numbers until 2006 when they were adopted increasingly until the phasing out of treadle snare use by December 2007. Following the bushfires in 2003, some 790 rubber jawed traps were purchased by the Department of Primary Industries in Victoria (B. Roughead, personal communication).

⁵ G. Iossa, et al, 'Mammal trapping: a review of animal welfare standards of killing and restraining traps (a review)' (2007) 16 *Animal Welfare* 335-352.

⁶ *Animal Welfare (Leg-Hold Traps) Amendment Order 200* (NZ).

⁷ N. Jotham & R. L Phillips, 'Developing International Trap Standards – A Progress Report' (1994) *Vertebrate Pest Conference Proceedings Collection* 307. The International Organization for Standardization formed a technical committee in 1987 to develop an international standard for humane traps. This effort began with the establishment of international working groups charged with preparing standards for killing and restraining traps. Capture efficiency, humaneness, injury thresholds, selectivity, testing, and safety are addressed in the standards.

In South Australia, the use of steel jawed traps is prohibited with the exception of (a) use in wild dog control, (b) use in conjunction with the dingo fence and (c) use in research purposes. It is a requirement of their use that steel jawed traps are bound with cloth soaked in strychnine.

The *Model Code of Practice for the Humane Control of Wild Dogs* in New South Wales states that all traps have the potential to cause injury and some degree of suffering and distress, and that traps should only be used when there is no other alternative.⁸ Toothed, steel-jawed leg-hold traps cause serious injuries including compound fractures, dislocations and amputations of limbs. Not all animals caught in steel jawed traps sustain injuries that are considered debilitating, but in a comparative assessment of four other devices, they were the only device where animals were found dead in the trap.⁹

Problems associated with the use of steel jawed traps

1. Steel jawed traps inflict severe pain and suffering on target animals such as dingoes, wild dogs and foxes.
2. Animals that are captured unintentionally by traps are commonly referred to as "non-target" species. The capture of these species inflicts the same pain and suffering as that experienced by wild dogs and dingoes. Common wombats, swamp and red-necked wallabies, brush-tail possums and eastern grey kangaroos are very common non-target species captured by steel jawed traps in southeastern Australia, and superb lyrebirds, goannas, echidnas, emus and corvids are also frequent non-target captures.¹⁰
3. Steel jawed traps do not kill. Rather, they snap on the leg or other body part of the victim and unless located and killed by a trapper, the trapped animal dies slowly from dehydration, starvation, and infection or attack by predators.
4. When used in remote areas, the jaws of the trap are bound by a cloth soaked with the chemical strychnine. This chemical is considered inhumane; it is used to bring about a painful and distressing death.
5. Physical trauma (e.g. ischemia, predation, insect attack), chronic pain, anxiety, fear, self-mutilation, capture myopathy,¹¹ exhaustion, impact on young (loss of dependent young, ejection from pouch, abortion), starvation, dehydration, hypothermia, hyperthermia and death

⁸ Department of Environment and Water Resources (NSW), *Model Code of Practice for the Humane Control of Wild Dogs* (1 November 2004) p 8.

⁹ PJS Fleming, above n 1.

¹⁰ On occasion, humans are caught in steel jawed traps. A tourist was caught in a trap on Queensland's Fraser Island. Fortunately for the tourist, it was a padded trap (*Courier Mail* 31 October 2006).

¹¹ Capture myopathy is an acute disease of the muscle occurring most frequently in animals after a long chase or with a lot of struggling. The course is short and the death rate high. Affected animals are recumbent, dyspneic, hyperthermic and show muscle tremor.

are pathological endpoints of stress and the consequence of exposure to intense stressors or a combination of stressors that are caused by steel jawed traps.

According to New South Wales' *Model Code of Practice for the Humane Control of Wild Dogs*, steel jawed traps:

*"...can cause serious injuries to both target and non-target animals such as swelling and lacerations to the foot from pressure of the trap jaws and dislocation of a limb if the animal struggles to escape. Wild dogs can also inflict injuries to their feet and legs by chewing on the captured limb, and to their teeth, lips and gums by chewing at the trap jaws...steel-jawed leg hold traps are not considered humane as they **cause serious physical injury, pain and distress. They are currently illegal in many States**"*¹² (emphasis added).

Good welfare outcomes of trapping should seek to prevent or mitigate such consequences. The 'magnitude' of an animal's welfare can be associated with the incidence, severity and duration of pain and suffering inflicted on the subject animal.¹³ Good animal welfare can be described in terms of physical health and positive emotions, while poor welfare derives from ill-health, injury, disease and negative emotions. When assessing the welfare needs of a species it is inappropriate to justify or sanction poor welfare outcomes by reason of the subject animal being labeled as a pest.¹⁴

The Use of Strychnine

The *Animal Welfare Regulations* 2000, in particular Regulation 11(d), mandate the use of strychnine.

However, in New South Wales, it is recognised that the use of strychnine is:

*"considered inhumane because the affected animals remain conscious and appear to suffer pain and anxiety from the onset of clinical signs through to death from asphyxia and exhaustion"*¹⁵

In addition to strychnine causing pain to the trapped animal, strychnine is considered dangerous as it poses:

"a potential risk of poisoning non-target animals. Strychnine is highly persistent in bait and poisoned carcasses." 16

¹² Department of Environment and Water Resources (NSW), above n 8.

¹³ K. E. Littin & D. J. Mellor 'Strategic animal welfare issues: ethical and animal welfare issues arising from the killing of wildlife for disease control and environmental reasons' (2005) 24 *Revue Scientifique Et Technique-Office International Des Epizooties* 767-782.

¹⁴ *Ibid.*

¹⁵ Department of Environment and Water Resources (NSW), above n 8, 7.

Rationale for killing wild dogs and dingoes

The rationale for trapping and destroying dingoes and wild dogs is that they kill livestock and in particular sheep and cattle.

The sheep and cattle industry is of substantial importance to the South Australian economy. According to the South Australian Farmers Federation website there are currently 13,475 farms in South Australia, 33,000 people employed in agricultural production jobs in South Australia and 146,000 South Australian's employed in the food sector. The beef industry has a gross production value of \$278 million dollars per year. The mutton and lamb industry account for \$347.3 million dollars per year and the sheep wool industry accounts for \$324.2 million dollars per year.¹⁷

There is an obvious need to protect and support the sheep and cattle industry. However, there is very little research regarding the actual number of sheep and cattle killed by dingoes in South Australia. In addition, there is no contemporary research into the dietary habits of dingoes in South Australia. This may be because dingoes are only common in the north of South Australia and in particular, north east of the dog fence.¹⁸

Studies conducted on dingoes in north-western Australia suggest that, in the main, native mammals are the preferred preys of dingoes with kangaroos comprising the major component of their diet.¹⁹ These studies reveal that dingoes in north-western Australia normally hunt alone making it unlikely that a solitary dingo could successfully attack a calf in the presence of a defending cow or group of cattle.²⁰ Solitary dingoes however are able to catch and kill sheep.²¹

Studies conducted in Western Australia reveal that red kangaroos and euros comprise the bulk of the dingo diet. Although sheep, feral goats and cattle were represented in a dingoes diet, their relatively small contribution led to a conclusion that domestic livestock form a relatively unimportant part of the dingo diet in Western Australia.²² Further studies in Western Australia reveal that rabbit and red kangaroo account for 95% of the diet of dingoes.²³

In the Northern Territory, dingoes are reported as eating a diverse range of foods but mainly they prey on magpies, geese, rodents, wallabies, rabbits, lizards and red kangaroos. Whilst research in

¹⁶ *Ibid*, 9.

¹⁷ South Australian Farmers Federation <<http://www.saff.com.au/farminginsa/default.aspx>>.

¹⁸ Department of Natural Resources, Environment and the Arts (NT) *A Management program for the dingo (canis lupus dingo) in the Northern Territory of Australia* (2006-2011), 4.

¹⁹ P. C. Thompson, 'The behavioral ecology of dingoes in North-Western Australia. III . Hunting and feeding behaviour, and diet' (1992) 19 *Wildlife Research* 531, 537, 540.

²⁰ *Ibid*, 536.

²¹ *Ibid*.

²² S. J. O. Whitehouse, 'The Diet of the Dingo in Western Australia' (1977) 4(2) *Australian Wildlife Research* 145.

²³ P. Marak & G. Campbell, 'Feeding behaviour and diet of dingoes in the Nullabor region, Western Australia' (1990) 17 *Australian Wildlife Research* 349, 355.

the Northern Territory acknowledged that dingoes do kill livestock, livestock predation was found to be dependent on the availability of natural prey there.²⁴

Diet of dingoes in South Australia

In the absence of empirical data or research to the contrary, there is no reason to conclude that the diet of dingoes resident in South Australia differs significantly or at all from the diet of their counterparts in the Northern Territory and Western Australia. Absent statistical data confirming the number of livestock lost to dingo attacks and in light of the other methods of wild dog control in use or available for use, there is little justification for the continuing use of steel jawed traps soaked in strychnine.

Benefits afforded by Dingoes

Dingoes fulfill an important role in Australia's ecological system as a top order predator. Not only do dingoes keep several native species under control, thereby preventing them from becoming pests, they also prey upon introduced pest species such as rabbits, foxes, feral cats and feral pigs. In fact, dingoes have been credited with preventing the wide spread occurrence of feral goats in the Northern Territory.²⁵

Methods to protect sheep and cattle from dingoes

There exist viable and more humane alternative means to prevent livestock deaths caused by dingoes. For example:

- The use of Llama's; and
- An upgrade to the existing Dog Fence.

Whilst the Animal Law Committee does not profess to be expert (or have any practical experience) in the area of dingo control, research suggests that there appear to be a number of practicable and less inhumane alternatives to prevent livestock deaths caused by dingoes.

Use of Llamas as livestock guarding animals

Llamas are used as livestock guarding animals across the United States and Europe and are becoming increasingly popular across Australia. According to the *4th NSW Pest Animal Control Conference* held in 2008, the use of llamas as livestock guarding animals to protect sheep from

²⁴ Department of Natural Resources, Environment and the Arts (NT), above n 17, 5.

²⁵ *Ibid*, 8.

wild dog attacks has been successful, resulting in "...significant reductions in stock loss from wild dog attacks along with a marked increase in lambing rates."²⁶

The use of llamas as livestock guarding animals for the protection of sheep has gained popularity within south eastern New South Wales over the last five years. A number of trials have been undertaken by wild dog management groups which identify a consistent decrease in the incidence of wild dog attacks within paddocks where sheep are guarded by llamas.²⁷

Further, research by Iowa State University reveals that: "Guard llamas offer a viable, non-lethal alternative for reducing predation, while requiring little specialized training and care."²⁸

The Dog Fence

Generally speaking, the Dog Fence appears to be an effective way of keeping dingoes from interfering with livestock in South Australia.

The Dog Fence runs from Jimbour on the Darling Downs (QLD) to the Eyre Peninsula (near Nundroo) in South Australia. The integrity of the fence is an ongoing issue. Electrification would be a significant step towards maintenance of the security of the fence. Electrification would prevent, for example, damage caused by burrowing animals and therefore prevent dingoes and other animals from gaining access to farming properties.

Much work in this area has been undertaken by the Dog Fence Board, SA (J. Cook) and the Animal and Plant Control Commission, SA (Professor Bird).

Of particular interest are two of the electric fences trialled in 1997 at the Muloorina Station in South Australia. Those fences were comprised of a sloping dog fence and the composite dog fence.

Five kilometres of sloping dog fence was tested for 46 months with no known dingo breaches. A trial of a five kilometre length of the consolidated dog fence for 69 months also had no known dingo breaches. It was reported that whilst the composite dog fence is more expensive than the sloping dog fence, it is far superior in areas where soils are susceptible to erosion.²⁹

²⁶ G. Tyrell & R. Hunt, *Use of Llamas as livestock animals to limit the increase of sheep predation by wild dogs (Canis lupus dingo) and foxes (Vulpes vulpes)*, 4th NSW Pest Animal Control Conference, 30 September 2008, 1.

²⁷ *Ibid.*

²⁸ W. L. Franklin & K. J. Powell, 'Guard Llamas – A part of an integrated sheep protection' (2006) *The Camelid Quarterly* 1.

²⁹ Department of Environment and Heritage (Cth), (2004) *Cost effective feral animal exclusion fencing for areas of high conservation value in Australia*.

Further, electrification exclusion fences are a cheaper alternative to traditional wire netting fences.³⁰ This is particularly so as dingoes rarely attempt to jump over electric fences but instead attempt to push through them.³¹ Further, dingoes rarely dig under the electric fence.³² Finally, it was shown that the electrification of the fence had a deterrent effect.³³

³⁰ *Ibid*, 18.

³¹ *Ibid*, 30.

³² *Ibid*.

³³ *Ibid*, 32.

PROPOSED AMENDMENTS TO THE ANIMAL WELFARE REGULATIONS 2000 (SA) ("the AWR")

In order to outlaw the use of steel jawed traps, amendments must be made to the AWR and the DFA.

Section 13(3) of the Animal Welfare Act 1985 (the "AWA") currently states that a person who ill-treats an animal is guilty of an offence. A person ill-treats an animal if that person:

- (a) *intentionally, unreasonably or recklessly causes the animal unnecessary harm; or*
- (c) *having caused the animal harm (not being an animal of which that person is the owner), fails to take reasonable steps to mitigate that harm; or*
- (f) *causes the animal to be killed or injured by another animal; or*
- (g) *kills the animal in a manner that causes the animal unnecessary pain; or*
- (h) *unless the animal is unconscious, kills the animal by a method that does not cause death to occur as rapidly as possible; or ...*
- (j) *ill treats the animal in any other manner prescribed by the regulations for the purpose of this section.*

The setting of a steel jawed trap clearly infringes sub-sections 13(3)(a), (c), (f), (g), (h) and (j) of the AWA.

Pursuant to Regulation 6 of the AWR, the use of steel jawed traps constitutes ill-treatment of animals, unless the steel jawed trap has been set pursuant to Regulation 11.

Regulation 6 provides:

(1) For the purposes of section 13 of the Act, a person ill treats an animal if—

(a) except where a veterinary surgeon has certified in writing that any of the following procedures is necessary for the control of disease – the person -

- (i) surgically reduces the ability of an animal to produce a vocal sound; or*
- (ii) docks the tail of a dog; or*
- (iii) crops an animal's ear; or*
- (iv) docks or nicks a horse's tail or docks the tail of an animal of the genus Bos or Bubalus; or*

(b) the person –

- (i) traps an animal in a steel jaw trap that has been set in contravention of regulation 11; or
- (ii) catches a bird by using a gel that has been applied in contravention of regulation 12.

Regulation 11 provides, *inter alia*, that steel jawed traps can be used if the trap is set for a wild or feral dog, the trap is set on land not within the area of a municipal council, is set more than 100 metres outside the dog fence and the jaws of the trap are bound with a cloth steeped in strychnine.³⁴

In its entirety, Regulation 11 provides:

(1) A person must not set a leg hold steel jaw trap unless—

(a) the trap is set for a wild or feral dog; and

(b) the trap is set on land that is not within the area of a municipal council; and

(c) the trap is set more than 100 metres outside the portion of the State bounded by the dog fence established under the Dog Fence Act 1946, the eastern border of the State and the coast of the State; and

(d) the jaws of the trap are bound with a cloth steeped in sufficient strychnine to ensure a rapid death for any animal caught in the trap.

Maximum penalty: \$2 500.

Expiation fee: \$210.

(2) A person must not set a body grip trap unless—

(a) the trap is set on land that is not within the area of a municipal council; and

(b) the trap is set for a rabbit or rat; and

(c) the trap is set in a natural or artificial tunnel or burrow for a rabbit or rat; and

(d) the external frame of the trap does not exceed 14 centimetres by 14 centimetres.

Maximum penalty: \$2 500.

Expiation fee: \$210.

Note—

Subregulation (2)(d) allows traps known as #110 to be used.

³⁴ See comments above regarding non-target animals and the fact that there is no definition of wild or feral dogs in the Regulations.

(3) This regulation does not apply to—

(a) the setting of a body grip trap to control vermin or exotic animals in a reserve within the meaning of the National Parks and Wildlife Act 1972 ; or

(b) the setting of a body grip trap with a single steel jaw for a mouse or rat; or

(c) the setting of a trap for the purposes of carrying out research as part of a research program approved by an animal ethics committee if the jaws of the trap are sufficiently padded, or the trap has been otherwise modified, so that any animal caught in the trap is unlikely to suffer significant injury.

In order to legislate to prohibit the use of steel jawed traps in South Australia, the AWR require the following amendments:

Regulation 6(1)(b) as it presently exists	Proposed amendment to Regulation 6(1)(b)
<p>6—Ill treatment of animals</p> <p>(1) For the purposes of section 13 of the Act, a person ill treats an animal if -</p> <p>...</p> <p>(b) the person—</p> <p>(i) traps an animal in a steel jaw trap that has been set in contravention of regulation 11; or</p> <p>(ii) catches a bird by using a gel that has been applied in contravention of regulation 12.</p>	<p>6—Ill treatment of animals</p> <p>(1) For the purposes of section 13 of the Act, a person ill treats an animal if</p> <p>...</p> <p>(b) the person –</p> <p>(i) traps an animal in a steel jawed trap.</p> <p>(ii) catches a bird by using a gel that has been applied in contravention of regulation 12.</p> <p>In this section “steel-jawed trap” means a trap that has jaws that are made of steel, iron or other metal and that are designed to spring together and trap an animal when a leg or other part of the animal’s body comes into contact with, or is placed between, the jaws, but does not include a soft-jawed trap (that is, a trap with steel jaws that are offset and padded).³⁵</p>

ILLEGAL POSSESSION OF STEEL JAWED TRAPS.

Once the AWR are amended to remove authority for the use of steel jawed traps, there would appear to be no warrant for the possession by any person of a steel jawed trap. It is for this reason

³⁵ In accordance with section 23 of the *Prevention of Cruelty to Animals Act 1979* (NSW).

that it is recommended that, following a suitable amnesty period, Regulation 11 should be amended to alter the current offence provision from use to possession of a steel jawed trap.

In the ACT and NT it is illegal to possess a steel jawed trap unless it is possessed solely for display or as a curio or part of a collection.³⁶

The rationale behind making the offence one of possession rather than one of use is that on a practical level, it will be difficult to police the use of steel jawed traps, especially as they are generally utilised in remote areas.

However, it is recognised that there may be circumstances in which possession of a steel jawed trap should be permitted. It may be important for certain individuals or entities to use or possess steel jawed traps, for example in museums or as part of works of art.

It is proposed that Regulation 11(1) of the AWR be amended as follows:

Regulation 11(1) as it presently exists	Proposed amendment to Regulation 11(1)
<p>11—Use of steel jaw traps prohibited in certain circumstances</p> <p>(1) A person must not set a leg hold steel jaw trap unless—</p> <p>(a) the trap is set for a wild or feral dog; and</p> <p>(b) the trap is set on land that is not within the area of a municipal council; and</p> <p>(c) the trap is set more than 100 metres outside the portion of the State bounded by the dog fence established under the <i>Dog Fence Act 1946</i>, the eastern border of the State and the coast of the State; and</p> <p>(d) the jaws of the trap are bound with a cloth steeped in sufficient strychnine to ensure a rapid death for any animal caught in the trap.</p> <p>Maximum penalty: \$2 500.</p> <p>Expiation fee: \$210.</p>	<p>11—Possession of steel jaw traps prohibited except in certain circumstances</p> <p>(1) A person must not possess a steel jaw trap.</p> <p>(2) An offence against this regulation is a strict liability offence.</p> <p>Maximum penalty: \$2 500.</p> <p>Expiation fee: \$210.</p> <p>It is a defence to a breach of this regulation if a defendant proves that possession of the steel jaw trap was for one or both of the following purposes:</p> <p>(a) for the purpose of display; or</p> <p>(b) as a curio or part of a collection</p> <p>(3) Where a court convicts a person of an offence against this section, the court must order that the steel jawed trap be forfeited to the Crown or be disposed of in such other manner as the court directs.</p>

³⁶ *Animal Welfare Act, 1999 (NT)*, section 18.

PROPOSED AMENDMENT TO THE DOG FENCE ACT, 1946 (SA) (“the DFA”)

Section 22(1)(c) of the DFA provides that an owner of any part of the dog fence must take all reasonable steps to **destroy all wild dogs by, amongst other things, trapping the dogs**. If the fence owner fails to comply with that section, the owner may be guilty of an offence.

If the use of steel jawed traps is to be prohibited pursuant to the AWR, then in order to avoid inconsistency the following amendments should be made to the DFA³⁷:

Section 22 of the <i>Dog Fence Act 1946</i> (SA) as it presently exists	Proposed amended Interpretation, section 4.
<p>22 Duty of owner to maintain dog fence and destroy wild dogs</p> <p>(1) The owner of any part of a dog fence—</p> <p>(a) must at all times keep it in a dog-proof condition and properly maintained as a dog-proof fence; and</p> <p>(b) must, for the purpose of keeping it in that condition and so maintained, cause it to be inspected at intervals of not more than 14 days; and</p> <p>(c) must take all reasonable steps to destroy all wild dogs in the vicinity of the part of a dog fence owned by the owner by shooting or trapping the dogs or by laying poisoned baits for them.</p> <p>(2) An owner of any part of a dog fence who fails to comply with <i>subsection (1)</i> is, in addition to any liability that may be incurred under <i>section 23(2)</i>, guilty of an offence.</p> <p>Penalty – Division 8 Fine.</p>	<p>Insert following definition after the definition of secondary dog fence:</p> <p><i>“trapping”</i> means the use of a soft jawed trap device (that is, a trap with steel jaws that are offset and padded) and does not include a steel jawed trap (that is a trap that has jaws that are made of steel, iron or other metal and that are designed to spring together and trap an animal when a leg or other part of the animal’s body comes into contact with, or is placed between, the jaws, but does not include a soft-jawed trap).</p>

³⁷ No amendments are required to be made to the *Dog Fence Regulations, 1997* (SA).

INDEX of Non-Statute Footnotes

to the

Position Paper on the Use Of Steel-Jawed Leg Hold Traps In South Australia

Document No.	Footnote No.	Description
1.	1.	Fleming, PJS, Allen, LR, Berghout, MJ, Meek, PD, Pavlov, PM, Stevens, PL, Strong, K, Thompson, JA, and Thomson, PC 1998 The performance of wild-canid traps in Australia: efficiency, selectivity and trap-related injuries. <i>Wildlife Research</i> 25: 327-338.
2.	2.	Tullar, B. F. (1984) Evaluation of a padded leg-holding trap for capturing foxes and raccoons. <i>New York Fish and Game Journal</i> , 31. 97-03.
3.	3.	Thompson P. C. (1992) The behaviour ecology of dingoes in north-western Australia: The Fortescue River study area and details of captured dingoes. <i>Wildlife Research</i> 19, 509-18.
4.	5	Iossa, G, Soulsbury, DD, and Harris, S (2007) Mammal trapping: a review of animal welfare standards of killing and restraining traps (a review) <i>Animal Welfare</i> 16: 335-352.
5.	7	Jotham, N. and Phillips, R. L. (1994) Developing International Trap Standards – A Progress Report <i>Proceedings of the Sixteenth Vertebrate Pest Conference</i> , University of Nebraska – Lincoln.
6.	8	<i>Model Code of Practice for the Humane Control of Wild Dogs – NSW – Page 8.</i>
7.	10	<i>Courier Mail</i> 31.10.2006.
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