



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEE NO. 8

# Pounds in New South Wales

Report 2

October 2024

8



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Portfolio Committee No. 8 - Customer Service

# **Pounds in New South Wales**

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Pounds in New South Wales

October 2024

Chair: Hon Emma Hurst MLC



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## Terms of reference

1. That Portfolio Committee 8 – Customer Service inquire into and report on pounds in New South Wales, and in particular:
  - (a) resourcing challenges affecting New South Wales pounds, including the adequacy of funding given towards the operation of pounds by local and state governments
  - (b) the adequacy of pound buildings and facilities in New South Wales
  - (c) welfare challenges facing animals in pounds across New South Wales, including the provision of housing, bedding, feeding, exercise, enrichment, veterinary treatment, vaccination and desexing
  - (d) the adequacy of the laws, regulations and codes governing New South Wales pounds, including the Companion Animals Act 1998 (NSW) and the NSW Animal Welfare Code of Practice No 5 – Dogs and cats in animal boarding establishments (1996), as well as the adequacy of the current enforcement and compliance regime
  - (e) factors influencing the number of animals ending up in New South Wales pounds, and strategies for reducing these numbers
  - (f) euthanasia rates and practices in New South Wales pounds, including the adequacy of reporting of euthanasia rates and other statistics
  - (g) the role and challenges of behavioural assessments in New South Wales pounds
  - (h) the relationship between New South Wales pounds and animal rescue organisations
  - (i) the challenges associated with the number of homeless cats living in New South Wales for both pounds and animal rescue organisations, and strategies for addressing this issue
  - (j) strategies for improving the treatment, care and outcomes for animals in New South Wales pounds
  - (k) any other related matter.

The terms of reference for the inquiry were self-referred by the committee on 29 June 2023.<sup>1</sup>

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<sup>1</sup> *Minutes*, NSW Legislative Council, 1 August 2023, p 296.

## Committee details

### Committee members

<b>Hon Emma Hurst MLC</b>	Animal Justice Party	<i>Chair</i>
<b>Ms Abigail Boyd MLC*</b>	The Greens	<i>Deputy Chair</i>
<b>Hon Mark Buttigieg MLC</b>	Australian Labor Party	
<b>Hon Aileen MacDonald MLC</b>	Liberal Party	
<b>Hon Rachel Merton MLC**</b>	Liberal Party	
<b>Hon Peter Primrose MLC</b>	Australian Labor Party	
<b>Hon Emily Suvaal MLC</b>	Australian Labor Party	

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\* Ms Abigail Boyd MLC substituted for Dr Amanda Cohn MLC from 29 June 2023 for the duration of the inquiry.

\*\* Hon Rachel Merton MLC substituted for Hon Bronnie Taylor MLC from 13 September 2023 for the duration of the inquiry.

### Secretariat

Teneale Houghton, Principal Council Officer

Margaret Pollard, Senior Council Officer

James Ryan, Administration Officer

Emily Whittingstall, Administration Officer

Laura Ismay, Director

## Chair's foreword

I am pleased to present the committee's report into Pounds in New South Wales. This broad ranging inquiry provided an important opportunity to examine the challenges faced by NSW pounds and the adequacy of the regulatory framework currently in place. The committee heard from various stakeholders, including council pounds, rescue and rehoming organisations, and veterinarians, who raised important issues and concerns for our consideration.

Based on the extensive evidence received, it is clear to the committee that New South Wales is facing an animal rehoming crisis, with council pounds and rescues severely underfunded and over capacity. Stakeholders consistently told the committee that the large number of animals in NSW pounds is a result of various drivers, including, but not limited to, the cost-of-living crisis, a lack of animal friendly rental accommodation, and puppy farming and backyard breeding. To this end, the committee has made recommendations to address these drivers through the use of evidence-based solutions put forward by inquiry participants. This includes targeted desexing programs; investigating and supporting lower income earners to pay for various fees and services, including veterinary services, registration fees, and impoundment fees; legal protections for renters with companion animals; and legislative reforms to address puppy farming and backyard breeding.

The committee also found that many pound facilities in New South Wales are sub-standard and not fit for purpose, and fail to meet community expectations for animal welfare. As council pounds and the rehoming sector reaches a crisis point, it is the animals who ultimately suffer the most, being abandoned, placed under conditions in facilities that severely impact their health and wellbeing, and put on kill lists for various reasons including poor health, incorrect assumptions about their suitability for rehoming, and overcrowding. Further recommendations have been made in this regard to improve conditions in NSW pounds including providing increased funding to council pounds, while also calling on local government authorities to provide increased funding for council pounds; developing a new Code of Practice; developing a new oversight and enforcement framework; and supporting and promoting foster care networks.

The committee also found that council pounds rely heavily on rescue and rehoming organisations to rehome impounded animals. This places immense mental and financial strain on volunteers. In recognition of the critical role played by these organisations, the committee has called on the government to provide ongoing grant funding to rescue and rehoming groups. We also acknowledge that the crisis in NSW pounds has adversely impacted the veterinary industry, consistent with the evidence presented in Portfolio Committee No. 4 – Regional NSW's *Veterinary workforce shortage in New South Wales* report, and we support the recommendations included in that report.

The committee found that a large number of animals are still being killed in NSW pounds and this is unacceptable. While the most effective strategy to reduce euthanasia rates is to prevent animals from entering the system in the first place, the committee has also made recommendations to improve the reporting framework. This includes, for example, reporting reasons for animals being classed as 'unsuitable for rehoming'. Improvements to the reporting framework will promote greater transparency and enhance our understanding of euthanasia practices in council pounds, to better inform future action and policy.



Throughout this inquiry, inquiry participants consistently emphasised that action must be taken to ensure people understand that caring for an animal is a life-long commitment. Companion animals are not toys, and their lives are not disposable. They are cherished and much-loved family members who should be valued for the sentient beings they are.

I am grateful to all inquiry participants who have made invaluable contributions to this inquiry that have informed the findings and recommendations set out in this report. I would also like to thank my committee colleagues and the secretariat for their efforts.

The Hon Emma Hurst MLC  
**Committee Chair**

## Findings

- Finding 1** **73**  
That New South Wales is facing an animal rehoming crisis, with pounds and rescues severely underfunded and over capacity.
- Finding 2** **74**  
That many pound facilities in New South Wales are sub-standard and not fit for purpose, and fail to meet community expectations for animal welfare.
- Finding 3** **77**  
That the current pound system relies heavily on rescue and rehoming organisations to rehome animals.
- Finding 4** **80**  
That a large number of animals are still being killed in New South Wales pounds, which is unacceptable.

## Recommendations

### Recommendation 1

34

That the NSW Government provide grants to councils and rescue and rehoming organisations to carry out large scale targeted desexing programs across the state, including community cat desexing programs, with a specific focus on disadvantaged communities and areas with large homeless cat populations.

### Recommendation 2

34

That the NSW Government review the need for reforms to ensure that community cats do not have to be microchipped and registered to an individual, and can be microchipped and registered to an organisation.

### Recommendation 3

35

That the NSW Government seek to amend the *Prevention of Cruelty to Animals Act 1979* to clarify that Trap Neuter Release programs are legal.

### Recommendation 4

35

That the NSW Government further investigate the need to provide lower income earners with companion animals specific funding support, with a focus on the evidence linking financial hardship to the surrendering of companion animals in pounds, and make funding available to assist lower income earners to pay for:

- microchipping and registration fees
- food
- behavioural training
- impoundment fees
- secure containment
- veterinary services, including desexing.

### Recommendation 5

36

That the NSW Government urgently introduce legislation to ensure tenants can rent with animals and to ensure these laws place the onus on the landlord to apply to the NSW Civil and Administrative Tribunal if they want to refuse an animal.

### Recommendation 6

36

That the NSW Government implement relevant recommendations set out in the report of the Select Committee on Puppy Farming in New South Wales, including that the NSW Government:

- urgently introduce legislation on puppy and kitten farming in New South Wales
- introduce a cap on the number of female breeding animals that a proprietor of a companion animal breeding business may have, lifetime litter limits for cats and dogs used for breeding and staff to animal ratios for companion animal breeding businesses
- introduce a well-resourced breeder licensing scheme in New South Wales that contains robust licensing conditions for breeders
- move towards restricting the sale of dogs and cats in pet shops to those sourced from pounds, shelters or rescue groups

- ensure proper traceability of animals and breeders to assist both the public and enforcement agencies to identify unethical breeders
- introduce an 'extended liability' scheme whereby breeders are responsible for congenital, genetic and/or other health issues that arise in the first year of an animal's life.

- Recommendation 7** **37**  
That the NSW Government urgently introduce legislative reforms to address backyard breeding.
- Recommendation 8** **37**  
That the NSW Government roll out an ongoing public education campaign encouraging New South Wales residents to 'adopt, don't shop' and further educational programs about the lifetime care needs of companion animals.
- Recommendation 9** **37**  
That the NSW Government remove the 'annual permit fee' for undesexed cats over 4 months old, to remove this barrier to adopting, microchipping and registering community cats.
- Recommendation 10** **38**  
That the NSW Government review the fees and processes associated with the companion animal registration framework, with a view to reduce costs.
- Recommendation 11** **38**  
That the NSW Government, in consultation with the rescue and rehoming organisations and other key stakeholders, enhance and standardise annual reporting of pound data to the Office of Local Government, including by requiring council pounds to collect and report on the reasons for animal surrenders.
- Recommendation 12** **73**  
That the NSW Government provide increased funding for council pounds, and call upon local government authorities to provide increased funding for council pounds.
- Recommendation 13** **73**  
That the NSW Government commission a report to determine the appropriate amount of funding required to support council pounds across New South Wales.
- Recommendation 14** **74**  
That the NSW Government require councils to publicly report budget allocations for pound operations.
- Recommendation 15** **75**  
That the NSW Government develop an enforceable Code of Practice containing standards for construction, and the care and housing of companion animals, in New South Wales pounds, including, but not limited to:
- minimum space requirements for animals
  - quarantine and isolation areas
  - minimum size for exercise areas for animals, as well as minimum requirements (including time) for exercise

- housing design that ensures animals' health, welfare, physiological, psychological, behavioural, and social needs are met
- appropriate heating, cooling, air quality, ventilation, lighting, and noise control
- separation of dogs and cats in pound facilities, so they cannot see, hear or smell each other, and consideration of other species if the pound is not limited to cats and dogs
- other requirements including access to veterinary care, appropriate first aid facilities, food storage, waste removal, hot and cold running water, vaccinations, and desexing.

**Recommendation 16**

76

That the NSW Government review and update the *Companion Animals Act 1998*, including to further specify the obligations of councils regarding companion animals management.

**Recommendation 17**

76

That the NSW Government introduce reforms to give the POCTA enforcement agencies powers to enforce the *Companion Animals Act 1998* in relation to New South Wales pounds, and ensure adequate funding is secured for POCTA enforcement agencies undertaking this work.

**Recommendation 18**

76

That the NSW Government introduce reforms to make it mandatory for New South Wales pounds to desex and vaccinate all animals before they are adopted, and support councils to implement these reforms with appropriate funding.

**Recommendation 19**

77

That the NSW Government develop a new oversight and enforcement framework to empower enforcement agencies to conduct routine audits, and regular and unannounced inspections in New South Wales pounds.

**Recommendation 20**

77

That the NSW Government provide ongoing grant funding to rescue and rehoming organisations.

**Recommendation 21**

78

That the NSW Government undertake a campaign to support community members to become foster carers with their local rescue and rehoming organisation, and promote collaboration between foster care networks and New South Wales pounds.

**Recommendation 22**

79

That the NSW Government implement relevant recommendations in Portfolio Committee No. 4 – Regional NSW's *Veterinary workforce shortage in New South Wales* report, including that the NSW Government:

- consider amending the *Companion Animals Act 1998* to ensure local government authorities collect stray animals from licensed veterinary clinics, and to ensure that appropriate funding is provided to local government authorities to ensure that there is a consistent interpretation of the Act across all local government areas
- consider amending the *Veterinary Practice Act 2003* and other relevant legislation to ensure that mobile veterinary clinics can be easily registered to deliver veterinary care, particularly in areas with no clinic within a reasonable distance. Any changes must ensure mobile clinics work collaboratively to ensure they can provide essential additional veterinary services without causing detriment to local clinics

- seek to introduce a regulatory framework for veterinary nurses and veterinary technicians in New South Wales
- review the *Veterinary Practice Act 2003* to determine whether some restricted acts of veterinary science could be extended to veterinary nurses and technicians who are regulated under the same legislative framework
- investigate strategies to best ensure veterinary care for pet owners particularly low income earners can be made more affordable
- investigate providing subsidised vet care to low-income earners, pensioner and animal rescue groups
- consider options for trialling companion-animal friendly public transport.

**Recommendation 23****80**

That the NSW Government, in consultation with key stakeholders, develop a behavioural assessment protocol that requires all behavioural assessments to be conducted by staff that have been trained in this area (ideally, by a qualified behaviouralist and in a foster care environment) and in manner that is consistent with current research.

**Recommendation 24****81**

That, in addition to Recommendation 11, the NSW Government make the following revisions to annual reporting of pound data to the Office of Local Government:

- the reason for euthanasia currently classified as 'feral/infant' be split into 'infant' and 'behaviour'
- report reasons for 'owner-requested euthanasia'
- report reasons for animals being classed as 'unsuitable for rehoming'.

## Conduct of inquiry

The terms of reference for the inquiry were self-referred by the committee on 29 June 2023.

The committee received 139 submissions and three supplementary submissions.

The committee held two public hearings at Parliament House in Sydney.

The committee received 379 responses from individual participants to an online questionnaire.

The committee also conducted two site visits to Sydney Dogs & Cats Homes (Strathfield), Rossmore Vet Hospital and Blacktown Animal Rehoming Centre, and to Orange City Pound, Bathurst Animal Rehoming Centre, the former Bathurst Small Animal Pound, and Cowra Pound.

Inquiry related documents are available on the committee's website, including submissions, hearing transcripts, tabled documents, and online questionnaire report, answers to questions on notice and answers to supplementary questions.

# Chapter 1 Background

This chapter provides an overview of the pound system in New South Wales. It introduces the legislative framework and outlines the roles and responsibilities of relevant stakeholders. It then refers to other inquiries that have considered issues that impact outcomes and conditions in NSW pounds.

## Legislative framework

- 1.1** The pound system in New South Wales is governed by two Acts and their associated regulations, codes and standards: the *Companion Animals Act 1998* and the *Prevention of Cruelty to Animals Act 1979* (POCTA Act). This legislative framework identifies the roles and responsibilities of relevant stakeholders including councils, rangers, enforcement agencies, rehoming and rescue organisations, veterinary practitioners, and anyone who brings a companion animal into their family.
- 1.2** Under this legislative framework, responsibility for the management and welfare of companion animals in NSW pounds is split across two agencies: the Office of Local Government and the Department of Primary Industries.<sup>2</sup>

### *Companion Animals Act 1998*

- 1.3** The *Companion Animals Act 1998* and the Companion Animals Regulation 2018 regulate the ownership and management of companion animals, including those held in NSW pounds.<sup>3</sup> The Act seeks to 'provide for the effective and responsible care and management of companion animals',<sup>4</sup> with local councils granted responsibility for its enforcement.<sup>5</sup>
- 1.4** As part of this enforcement, local councils are responsible for managing companion animals in their local area. Under the Act, seized animals must be taken, as soon as possible, to their family, a council pound or any approved premises.<sup>6</sup> A similar provision is included in the *Impounding Act 1993*, which requires impounding officers to ensure impounded animals are taken to a council pound 'as soon as practicable'.<sup>7</sup>
- 1.5** It is these provisions that provide the broad framework within which councils operate and maintain pound facilities.<sup>8</sup> Within this framework, a council can choose to operate their own pound, or enter into an arrangement with neighbouring councils or another organisation, who can provide pound services.<sup>9</sup> Nonetheless, Mr Brett Whitworth, Deputy Secretary, Office of Local Government, Department of Planning and Environment outlined that under the

<sup>2</sup> Submission 83, NSW Government, pp 4, 6.

<sup>3</sup> Submission 83, NSW Government, pp 1, 4.

<sup>4</sup> *Companion Animals Act 1998* (NSW) s 3A; Submission 83, NSW Government, p 4.

<sup>5</sup> Submission 83, NSW Government, p 4; NSW Legislative Council, *Select Committee on Puppy Farming* (2022) p 2.

<sup>6</sup> *Companion Animals Act 1998* (NSW) s 62.

<sup>7</sup> *Impounding Act 1993* (NSW) s 11(1).

<sup>8</sup> Submission 83, NSW Government, pp 5, 11.

<sup>9</sup> Submission 83, NSW Government, p 5.



legislative framework 'all councils must have access to a pound'.<sup>10</sup> Further, regardless of the arrangements in place, councils are ultimately responsible for the management of all companion animals in their local areas.<sup>11</sup>

### *Prevention of Cruelty to Animals Act 1979*

- 1.6** The POCTA Act, the Prevention of Cruelty to Animals Regulation 2012 and supporting regulations, codes and standards govern the welfare of animals in New South Wales, including companion animals held in NSW pounds.<sup>12</sup>
- 1.7** The POCTA Act is enforced by the RSPCA NSW, the Animal Welfare League NSW, and NSW Police.<sup>13</sup> The Act empowers these agencies to investigate breaches of the POCTA Act.<sup>14</sup> The Department of Primary Industries has oversight of RSPCA NSW and Animal Welfare League NSW 'via legislated reporting requirements and a memorandum of understanding'.<sup>15</sup>

### **NSW Animal Welfare Code of Practice No 5 – Dogs and Cats in boarding establishments**

- 1.8** The NSW Animal Welfare Code of Practice No 5 – Dogs and cats in boarding establishments (Boarding Code), published in 1996, sets out the relevant standards for animal boarding establishments. It provides guidance in relation to appropriate housing for cats and dogs, staffing, hygiene, animal care and health care, diet, exercise, transport, manager responsibilities, and rehoming.<sup>16</sup>
- 1.9** The Boarding Code states at paragraph 1.3 that '[e]stablishments which provide commercial boarding services, Council Pound services and veterinary hospital services must comply with the standards of this code'.<sup>17</sup>
- 1.10** While the Boarding Code refers to NSW pounds complying with its standards, schedule 1 of the Prevention of Cruelty to Animals Regulations 2012 states that the Boarding Code is applicable to an 'Animal boarding establishment (that is, a business in the course of which dogs or cats are boarded for fee or reward)'.<sup>18</sup> As such, RSPCA NSW expressed the view that 'arguably, shelters and pounds which do not board cats or dogs for fee or reward are not caught by the Regulation, and so do not have to comply with the Code'.<sup>19</sup>

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<sup>10</sup> Evidence, Mr Brett Whitworth, Deputy Secretary, Office of Local Government, Department of Planning and Environment, 15 December 2023, p 6.

<sup>11</sup> Submission 83, NSW Government, p 5.

<sup>12</sup> Submission 83, NSW Government, pp 1, 4.

<sup>13</sup> Submission 83, NSW Government, p 6.

<sup>14</sup> Submission 83, NSW Government, pp 1, 10.

<sup>15</sup> Submission 83, NSW Government, p 6.

<sup>16</sup> Submission 83, NSW Government, p 12.

<sup>17</sup> NSW Animal Welfare Code of Practice No 5 – Dogs and cats in boarding establishments, paragraph 1.3.

<sup>18</sup> Prevention of Cruelty to Animals Regulations 2012 (NSW), sch 1.

<sup>19</sup> Submission 131, RSPCA NSW, p 6.

- 1.11 The NSW Government advised the committee that many councils voluntarily comply with the Boarding Code.<sup>20</sup>

## Recent inquiries and reviews

- 1.12 This inquiry has coincided with other inquiries and reviews that also consider key issues impacting conditions and outcomes in NSW pounds. These inquiries are briefly summarised below.

### Rehoming practices review

- 1.13 The Office of Local Government published its *Rehoming of Companion Animals in NSW* draft report in September 2022. This report included a 'comprehensive analysis of rehoming arrangements for companion animals in NSW'.<sup>21</sup> The purpose of the review was to reduce unnecessary euthanasia and increase successful rehoming.<sup>22</sup>
- 1.14 According to the NSW Government, the draft report contains 'valuable data demonstrating that the rate of euthanasia in pounds is dropping'.<sup>23</sup> It also identified notable strategies that have reduced the number of animals in NSW pounds, reduced euthanasia rates, and increased rehoming rates. Specific strategies include:
- community engagement through foster systems and education
  - improved relationships between council pounds and rehoming organisations
  - transparency and using social media to improve the reputation of pounds
  - targeted microchipping and desexing programs with a specific focus on lower socioeconomic communities
  - flexibility in levying of fines, registration and pound fees.<sup>24</sup>
- 1.15 Strategies for reducing euthanasia rates and reducing the number of animals in NSW pounds will be further considered in chapter 2 and chapter 3.
- 1.16 The draft report also examined the use of behavioural assessments in NSW pounds.<sup>25</sup> It found that behavioural assessments conducted in NSW pounds can be 'highly subjective' and 'may not

<sup>20</sup> Submission 83, NSW Government, pp 10, 12.

<sup>21</sup> Submission 83, NSW Government, p 14.

<sup>22</sup> Submission 83, NSW Government, p 14; The Centre for International Economics, *Rehoming of Companion animals in NSW (draft report)* (September 2022), p 1 [https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report\\_NSW-OLG\\_Rehoming-of-Companion-Animals-in-NSW.pdf](https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report_NSW-OLG_Rehoming-of-Companion-Animals-in-NSW.pdf).

<sup>23</sup> Submission 83, NSW Government, p 15.

<sup>24</sup> Submission 83, NSW Government, pp 15-16.

<sup>25</sup> The Centre for International Economics, *Rehoming of Companion animals in NSW (draft report)* (September 2022), pp 93, 101-102 [https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report\\_NSW-OLG\\_Rehoming-of-Companion-Animals-in-NSW.pdf](https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report_NSW-OLG_Rehoming-of-Companion-Animals-in-NSW.pdf).

be a good indicator of a dog's behaviour in a home environment'.<sup>26</sup> The impact of behavioural assessments will be examined in more detail in chapter 3.

### **Puppy farming inquiry**

- 1.17** The Legislative Council Select Committee on Puppy Farming in New South Wales published its report in 2022. This inquiry was established to consider the Companion Animals Amendment (Puppy Farms) Bill 2021 and the broader issue of puppy and kitten farming in New South Wales. In doing so, this inquiry noted the correlation between puppy and kitten farming and the increasing number of animals in council pounds and shelters.<sup>27</sup>
- 1.18** The Select Committee made a number of relevant recommendations, including that the NSW Government:
- urgently introduce legislation on puppy and kitten farming in New South Wales<sup>28</sup>
  - introduce a cap on the number of female breeding animals that a proprietor of a companion animal breeding business may have, lifetime litter limits for cats and dogs used for breeding and staff to animal ratios for companion animal breeding businesses<sup>29</sup>
  - introduce a well-resourced breeder licensing scheme in New South Wales that contains robust licensing conditions for breeders<sup>30</sup>
  - move towards restricting the sale of dogs and cats in pet shops to those sourced from pounds, shelters or rescue groups<sup>31</sup>
  - ensure proper traceability of animals and breeders to assist both the public and enforcement agencies to identify unethical breeders<sup>32</sup>
  - introduce an 'extended liability' scheme whereby breeders are responsible for congenital, genetic and/or other health issues that arise in the first year of an animal's life.<sup>33</sup>
- 1.19** The Companion Animals Amendment (Puppy Farms) Bill 2021 was passed by the Legislative Council in November 2022, but later lapsed at prorogation on 27 February 2023, prior to the state election.<sup>34</sup>

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<sup>26</sup> The Centre for International Economics, *Rehoming of Companion animals in NSW (draft report)* (September 2022), pp 93, 101-102 [https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report\\_NSW-OLG\\_Rehoming-of-Companion-Animals-in-NSW.pdf](https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report_NSW-OLG_Rehoming-of-Companion-Animals-in-NSW.pdf).

<sup>27</sup> NSW Legislative Council, *Select Committee on Puppy Farming* (2022) pp 88-89, 98-99.

<sup>28</sup> NSW Legislative Council, *Select Committee on Puppy Farming* (2022), recommendation 2.

<sup>29</sup> NSW Legislative Council, *Select Committee on Puppy Farming* (2022), recommendation 4.

<sup>30</sup> NSW Legislative Council, *Select Committee on Puppy Farming* (2022), recommendation 12.

<sup>31</sup> NSW Legislative Council, *Select Committee on Puppy Farming* (2022), recommendation 14.

<sup>32</sup> NSW Legislative Council, *Select Committee on Puppy Farming* (2022), recommendation 10.

<sup>33</sup> NSW Legislative Council, *Select Committee on Puppy Farming* (2022), recommendation 16.

<sup>34</sup> Parliament of New South Wales, *Companion Animals Amendment (Puppy Farms) Bill 2021*, <https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=3885>.

**1.20** The impact of puppy and kitten farming, as well as backyard breeding, is considered in chapter 2.

### **Vet shortage inquiry**

**1.21** Portfolio Committee No. 4 – Regional NSW published its *Veterinary workforce shortage in New South Wales* report in June 2024, examining the impact of the current veterinary shortage on animal welfare, including the impact on pounds and shelters.<sup>35</sup>

**1.22** Of concern to the committee was the lack of recompense provided to vets who board and treat stray animals presented to them by members of the public, and cost shifting from government authorities to veterinary clinics.<sup>36</sup> The committee also recognised that 'local government authorities vary in their interpretation of the *Companion Animals Act 1998* and how they manage strays'.<sup>37</sup>

**1.23** In this regard, the report noted that stray animals are often delivered to veterinary clinics, as an 'approved premise'.<sup>38</sup> Further, council officers are not required to collect stray animals from vets.<sup>39</sup> The report also noted that veterinarians generally do not receive payment for the care of stray animals, and that if payment is provided, it does not cover the full cost of housing and treatment.<sup>40</sup>

**1.24** The committee therefore recommended that the NSW Government 'consider amending the *Companion Animals Act 1998* to:

- ensure local government authorities collect stray animals from licensed veterinary clinics
- ensure that appropriate funding is provided to local government authorities to ensure there is a consistent interpretation of the Act across all local government areas.<sup>41</sup>

**1.25** The report also looked at ways to address the veterinary shortage and found that the 'regulation and better utilisation of veterinary nurses and technicians within the context of clinical practice is likely to assist in reducing the workload on the veterinarian'.<sup>42</sup> The committee therefore recommended that the NSW Government:

<sup>35</sup> Portfolio Committee No. 4, NSW Legislative Council, *Veterinary workforce shortage in New South Wales*, p vi.

<sup>36</sup> Portfolio Committee No. 4, NSW Legislative Council, *Veterinary workforce shortage in New South Wales*, p 29.

<sup>37</sup> Portfolio Committee No. 4, NSW Legislative Council, *Veterinary workforce shortage in New South Wales*, p 29.

<sup>38</sup> Portfolio Committee No. 4, NSW Legislative Council, *Veterinary workforce shortage in New South Wales*, p 20.

<sup>39</sup> Portfolio Committee No. 4, NSW Legislative Council, *Veterinary workforce shortage in New South Wales*, p 20.

<sup>40</sup> Portfolio Committee No. 4, NSW Legislative Council, *Veterinary workforce shortage in New South Wales*, pp 19, 20.

<sup>41</sup> Portfolio Committee No. 4, NSW Legislative Council, *Veterinary workforce shortage in New South Wales*, recommendation 2.

<sup>42</sup> Portfolio Committee No, 4, NSW Legislative Council, *Veterinary workforce shortage in New South Wales*, finding 16.

- 'seek to introduce a regulatory framework for veterinary nurses and veterinary technicians in New South Wales'<sup>43</sup>
- 'review the *Veterinary Practice Act 2003* to determine whether some restricted acts of veterinary science could be extended to veterinary nurses and technicians who are regulated under the same legislative framework'.<sup>44</sup>

**1.26** The committee also recommended that the NSW Government:

[C]onsider amending the *Veterinary Practices Act 2003* and other relevant legislation to ensure that mobile veterinary clinics can be easily registered to deliver veterinary care, particularly in areas with no clinic within a reasonable distance.<sup>45</sup>

**1.27** The impact of the veterinary shortage on the pound system in New South Wales will be further examined in chapter 3.

**1.28** The report also examined the relationship between veterinarians, and rescue and rehoming organisations. It noted the 'significant costs incurred by rescue and rehoming organisations in paying for veterinary fees for animals in their care'<sup>46</sup> and referred to the discounted services provided by vets.<sup>47</sup>

**1.29** The report also noted discussion around the proposal known as Veticare, 'a publicly funded insurance scheme, somewhat similar to Medicare, [that] could help with access to affordable veterinary care'.<sup>48</sup> The committee ultimately recommended:

- that the NSW Government investigate strategies to best ensure veterinary care for pet owners particularly low income earners can be more affordable<sup>49</sup>
- that the NSW Government investigate providing subsidized care to low-income earners, pensioners and rescue groups.<sup>50</sup>

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<sup>43</sup> Portfolio Committee No. 4, NSW Legislative Council, *Veterinary workforce shortage in New South Wales*, recommendation 24.

<sup>44</sup> Portfolio Committee No. 4, NSW Legislative Council, *Veterinary workforce shortage in New South Wales*, recommendation 27.

<sup>45</sup> Portfolio Committee No. 4, NSW Legislative Council, *Veterinary workforce shortage in New South Wales*, recommendation 4.

<sup>46</sup> Portfolio Committee No. 4, NSW Legislative Council, *Veterinary workforce shortage in New South Wales*, p 103.

<sup>47</sup> Portfolio Committee No. 4, NSW Legislative Council, *Veterinary workforce shortage in New South Wales*, p 102.

<sup>48</sup> Portfolio Committee No. 4, NSW Legislative Council, *Veterinary workforce shortage in New South Wales*, p 105.

<sup>49</sup> Portfolio Committee No. 4, NSW Legislative Council, *Veterinary workforce shortage in New South Wales*, recommendation 31.

<sup>50</sup> Portfolio Committee No. 4, NSW Legislative Council, *Veterinary workforce shortage in New South Wales*, recommendation 32.

**1.30** The report also noted that a lack of animal-friendly public transport was a barrier to accessing veterinary care.<sup>51</sup> The committee ultimately recommended that NSW Government 'consider options for trialling companion-animal friendly public transport'.<sup>52</sup> Strategies to prevent and reduce the number of animals entering NSW pounds, including Veticare and low-cost veterinary services will be further discussed in chapter 2.

## Terms used in this report

- 1.31** The term 'council pound', 'NSW pound' and 'pound' are used interchangeably in this report.
- 1.32** The terms used throughout this report are defined under the legislative framework.
- 1.33** The term 'companion animal' is defined under the *Companion Animals Act 1998* as referring to a dog or cat, or any other animal specified by the Companion Animals Regulation 2018 as a companion animal.
- 1.34** A 'council pound' is defined under the *Companion Animals Act 1998* as a 'place approved by a council for the holding of animals' that may be established and operated by the relevant local pound, in partnership with a neighbouring council or in partnership with other organisations.
- 1.35** Under the *Companion Animals Act 1998*, the term 'rehoming organisation' refers to any of the following organisations:
- a council or any other operator of a council pound
  - the Animal Welfare League NSW
  - the Cat Protection Society of NSW
  - RSPCA NSW
  - any other organisation 'designated as a rehoming organisation' by the Chief Executive of the Office of Local Government.
- 1.36** There are also many rehoming organisations in New South Wales – sometimes also referred to as 'rescues' – which are not formally 'designated as a rehoming organisation' under the *Companion Animals Act 1998*, but nonetheless undertake work rescuing and rehoming companion animals in New South Wales.
- 1.37** The term 'enforcement agencies' refers to agencies that are authorised to enforce the POCTA Act. The relevant enforcement agencies are:
- Animal Welfare League NSW
  - RSPCA NSW
  - NSW Police.

<sup>51</sup> Portfolio Committee No. 4, NSW Legislative Council, *Veterinary workforce shortage in New South Wales*, p 106.

<sup>52</sup> Portfolio Committee No. 4, NSW Legislative Council, *Veterinary workforce shortage in New South Wales*, recommendation 34.



## Chapter 2 Underlying drivers and solutions – addressing the large number of animals in NSW pounds

This chapter begins with an analysis of companion animals entering NSW pounds, including relevant data and notable trends. It then unpacks the underlying drivers channelling the large number of companion animals into NSW pounds. Finally, this chapter examines strategies that could be used to prevent and reduce the number of animals entering NSW pounds.

### Data about animals in NSW pounds

**2.1** Data and information about animals in NSW pounds is available from a number of sources.

- The Companion Animals Register (CAR), which collects council pound data to assist individual councils with their animal management activities, including the management of companion animals in NSW pounds. This data is used for planning, budgeting, reporting and allocating council resources, as well as promotional activities.<sup>53</sup>
- The Office of Local Government publishes annual Pound Data Reports on its website, which records the total number of dogs and cats impounded by each council.<sup>54</sup> It also records outcomes including the number of animals that were reclaimed, adopted, killed, or released to rehoming organisations.<sup>55</sup>
- The NSW Pet Registry was established in 2016 as a 'public interface to the CAR',<sup>56</sup> to assist with identifying lost animals and returning them.<sup>57</sup> This online platform can be used to register animals, update personal details and pay registration fees.<sup>58</sup>

**2.2** The NSW Government informed the committee that 'as of 20 July 2023, there are a total of 4,722,670 companion animals 'identified' (or microchipped)' on the CAR.<sup>59</sup> The vast majority are dogs (3,525,322). The NSW Government also informed the committee that approximately 50 per cent of companion animals on the CAR are registered.<sup>60</sup>

<sup>53</sup> Submission 83, NSW Government, p 13.

<sup>54</sup> Submission 83, NSW Government, p 13; Office of Local Government, *Pound and Dog Attack Statistics*, <<https://www.olg.nsw.gov.au/public/dogs-cats/responsible-pet-ownership/pound-and-dog-attack-statistics/>>.

<sup>55</sup> Office of Local Government, *Pound and Dog Attack Statistics*, <<https://www.olg.nsw.gov.au/public/dogs-cats/responsible-pet-ownership/pound-and-dog-attack-statistics/>>.

<sup>56</sup> Submission 83, NSW Government, p 7.

<sup>57</sup> Evidence, Mr Brett Whitworth, Deputy Secretary, Office of Local Government, Department of Planning and Environment, 15 December 2023, p 5.

<sup>58</sup> Submission 83, NSW Government, p 7.

<sup>59</sup> Submission 83, NSW Government, p 13.

<sup>60</sup> Submission 83, NSW Government, p 7.



- 2.3** Each year roughly 5,000 dogs and cats are reported lost or missing, and approximately 50 per cent are reunited with their families.<sup>61</sup>
- 2.4** In the 2022-23 financial year, 21,583 dogs and 14,373 cats were impounded. By the end of the 2022-23 financial year:
- 9,099 dogs and 837 cats were returned to their families
  - 5,685 dogs and 5,038 cats were released from council pounds to rehoming organisations
  - 3,486 dogs and 3,691 cats were adopted from pounds.<sup>62</sup>
- 2.5** The 2022 *Rehoming of Companion Animals in NSW* draft report outlines notable characteristics of dogs and cats entering NSW pounds.<sup>63</sup> Half of the dogs entering NSW pounds were not registered. Most of the dogs were larger breeds, were from low socioeconomic areas, and the average age was 4.1 years. In metropolitan areas, cats entering council pounds were mostly strays or semi-owned. In non-metropolitan areas, most impounded cats were categorised as strays or 'feral'. Additionally, in both metropolitan and non-metropolitan areas, most cats were not desexed, microchipped or registered, came from low socioeconomic areas and the average age was 1.9 years.
- 2.6** The NSW Government told the committee that there has been a decline in the total number of dogs entering NSW pounds, as well as a reduction in the maximum number of dogs held in all facilities at any single time.<sup>64</sup> With regards to cats, the NSW Government informed the committee that it is not easy to determine the number of cats entering NSW pounds as many are not microchipped before they are impounded.<sup>65</sup> The *Rehoming of Companion Animals in NSW* draft report noted that '[f]rom 2012 to 2021, the maximum number of cats in pounds in New South Wales has increased'.<sup>66</sup>
- 2.7** The NSW Government further advised the committee that '[t]he number of dogs and cats unable to be rehomed and consequently euthanised is also continuing to decline'.<sup>67</sup> More information about euthanasia rates in NSW pounds, the reasoning for euthanasia, and an explanation of why euthanasia rates have declined, is provided in chapter 3.

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<sup>61</sup> Submission 83, NSW Government, p 13.

<sup>62</sup> Office of Local Government, *Pound and Dog Attack Statistics*, 'Pound Data Report 2022-23' <<https://www.olg.nsw.gov.au/public/dogs-cats/responsible-pet-ownership/pound-and-dog-attack-statistics/>>.

<sup>63</sup> Centre for International Economics, *Rehoming of Companion Animals in NSW (draft report)*, September 2022, p 27 [https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report\\_NSW-OLG\\_Rehoming-of-Companion-Animals-in-NSW.pdf](https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report_NSW-OLG_Rehoming-of-Companion-Animals-in-NSW.pdf).

<sup>64</sup> Submission 83, NSW Government, p 13.

<sup>65</sup> Submission 83, NSW Government, p 14.

<sup>66</sup> Centre for International Economics, *Rehoming of Companion Animals in NSW (draft report)*, September 2022, p 28 <[https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report\\_NSW-OLG\\_Rehoming-of-Companion-Animals-in-NSW.pdf](https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report_NSW-OLG_Rehoming-of-Companion-Animals-in-NSW.pdf)>.

<sup>67</sup> Submission 83, NSW Government, p 3.

**2.8** In terms of the quality of the data collected, the NSW Government contended that New South Wales 'collates and publishes more comprehensive data on outcomes from pounds and [approved rehoming] organisations than other Australian jurisdictions'.<sup>68</sup> However, Mr Brett Whitworth, Deputy Secretary, Office of Local Government, Department of Planning and Environment also acknowledged that more robust data is needed to guide policy outcomes:

I'm firmly of the belief that we don't have enough data to help us guide policy outcomes here. We have a lot of data but we don't have enough data, and we don't have enough data on the basis that that data can be shared across different jurisdictions and across different agencies.<sup>69</sup>

**2.9** Some inquiry participants raised concerns about notable gaps in the datasets. One such gap was around the reason for surrenders,<sup>70</sup> with Ms Lisa Ryan, Regional Campaigns Manager, Animal Liberation, telling the committee:

At the moment, we are assuming a lot of things. Unless we are examining and councils are reporting on the origins of these dogs, including the reasons for the surrender, it's a bit of a mishmash of information. The data needs a complete revamp in what is being collected and what is being reported.<sup>71</sup>

**2.10** Mr Geoff Davidson advised the committee that, for over a decade, he has collected the 'full dataset' that NSW pounds provide to the Office of Local Government via the *Government Information (Public Access) Act 2009*.<sup>72</sup> He noted the 'raw data' he obtains is different to the Pound Data Reports published on the Office of Local Government website, which is a 'very abridged' version.<sup>73</sup> Mr Davidson expressed some serious concerns about the accuracy of the data provided by some NSW pounds, and supported more auditing and oversight of this data from the Office of Local Government.<sup>74</sup>

**2.11** Mr Davidson also argued for 'more standardised reporting' from the major shelter organisations – such as RSCPA NSW – who he said seemed to get a 'free pass' when it comes to data reporting.<sup>75</sup>

**2.12** Other inquiry participants critiqued the lack of data concerning animals other than dogs and cats in NSW pounds. The Australian Pet Welfare Foundation told the committee that all animals in NSW pounds should be captured in the data collected by councils:

<sup>68</sup> Submission 83, NSW Government, p 13.

<sup>69</sup> Evidence, Mr Whitworth, 15 December 2023, pp 9-10.

<sup>70</sup> See for example, Evidence, Ms Lisa Ryan, Regional Campaigns Manager, Animal Liberation, 14 November 2023, p 41; Evidence, Emeritus Professor Jacquie Rand, Executive Director & Chief Scientist, Australian Pet Welfare Foundation, 14 November 2023, p 41.

<sup>71</sup> Evidence, Ms Ryan, 14 November 2023, p 41.

<sup>72</sup> Evidence, Mr Geoff Davidson, Individual, 15 December 2023, p 44.

<sup>73</sup> Evidence, Mr Davidson, 15 December 2023, p 44.

<sup>74</sup> Evidence, Mr Davidson, 15 December 2023, p 44.

<sup>75</sup> Evidence, Mr Davidson, 15 December 2023, p 44.

Councils accept species other than cats and dogs, such as livestock species. It is important that all species and their outcomes are captured in the data and publicly reported in the annual NSW Pound data reports.<sup>76</sup>

## Factors influencing the number of animals in NSW pounds

**2.13** Throughout this inquiry, a key theme raised by inquiry participants was around the importance of preventing and reducing the number of companion animals entering NSW pounds. Stakeholders emphasised that key to doing so was identifying and understanding the underlying drivers channelling companion animals into the NSW pounds system, including:

- animals not being desexed
- the rising cost of living
- the rental crisis
- puppy farming and backyard breeding
- community attitudes
- confusion regarding registration and microchipping requirements
- the impact of COVID-19.

**2.14** These factors are examined in turn below.

### **Lack of desexing**

**2.15** Many inquiry participants identified that the large number of companion animals entering NSW pounds is caused by a lack of desexing. Dr Rosemary Elliott, President, Sentient, The Veterinary Institute for Animal Ethics, told the committee that uncontrolled breeding is 'one of the biggest reasons why animals are ending up in pounds'.<sup>77</sup> Similarly, Dr Gemma Ma, Project Manager, Keeping Cats Safe at Home, and Community Veterinarian, RSPCA NSW, told the committee that a key issue driving animals into NSW pounds is overpopulation: 'there are just too many cats and dogs being born and not enough homes to go around'.<sup>78</sup> Stakeholders raised specific concerns regarding non-desexed cats, due to their very high fertility rates.<sup>79</sup>

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<sup>76</sup> Submission 132, Australian Pet Welfare Foundation, p 36.

<sup>77</sup> Evidence, Dr Rosemary Elliott, President, Sentient, The Veterinary Institute for Animal Ethics, 15 December 2023, p 31.

<sup>78</sup> Evidence, Dr Gemma Ma, Project Manager, Keeping Cats Safe at Home, and Community Veterinarian, RSPCA NSW, 14 November 2023, p 60.

<sup>79</sup> See for example, Evidence, Cr Clover Moore AO, Lord Mayor, City of Sydney, 14 November 2023, p 5; Submission 75, Campbelltown City Council, p 14; Evidence, Ms Kristina Vesik OAM, Chief Executive Officer, Cat Protection Society of NSW, 15 December 2023, p 17.

- 2.16** The committee heard that there are a number of reasons why people may not desex their pets. The cost of desexing was identified as being chief among these, particularly in relation to cats.<sup>80</sup> As Dr Elliott put it: 'It's not that people don't care; it's that people can't pay'.<sup>81</sup>
- 2.17** Emeritus Professor Jacquie Rand, Executive Director and Chief Scientist, Australian Pet Welfare Foundation highlighted research conducted in the United States and Australia showing that cost is the main reason cats are not desexed, specifically in low socioeconomic communities.<sup>82</sup> Professor Rand explained that the cost associated with desexing, microchipping and registration is around \$350 to \$500 for a female cat, which is 'simply unaffordable' for those from low income households living on \$650 a week, or less.<sup>83</sup>
- 2.18** Professor Rand referred to a survey conducted in the City of Banyule, Victoria, where a free cat desexing program was undertaken. The program targeted low socioeconomic suburbs 'with high cat intake and complaints'.<sup>84</sup> Professor Rand informed the committee that when asked 'what was the single most important factor why you have not already had this cat desexed?', the vast majority (90 per cent) of survey participants 'said it was because desexing was unaffordable'.<sup>85</sup>
- 2.19** Dr Diana Rayment, BanSci PhD, Program Specialist, PetRescue, spoke of the experiences of people caring for cats in low socioeconomic communities.
- People take on the cats because they care. They start caring for them; they recognise that this cat needs to be desexed. They can't make the choice between, "Do I desex the cat or do I make sure my kids have got school lunch this week?" ... even if we handed them a \$150 voucher to go to a vet clinic—oftentimes they can't access a vet.<sup>86</sup>
- 2.20** In addition to cost, some inquiry participants noted barriers in place to desexing semi-owned cats.<sup>87</sup> Semi-owned cats are not formally registered by a person and instead are cared for by various individuals in a community.<sup>88</sup> Ms Kristina Vesk OAM, Chief Executive Officer, Cat Protection Society of NSW, explained that community cats cannot be desexed unless they are 'registered to an individual person'.<sup>89</sup> This creates a disincentive for individuals who are unable or unwilling to accept full responsibility for the cat.<sup>90</sup>

<sup>80</sup> See for example, Answers to questions on notice, Emeritus Professor Jacquie Rand, Executive Director & Chief Scientist, Australian Pet Welfare Foundation, 14 November 2023, pp 1, 2; Evidence, Dr Elliott, 15 December 2023, p 31.

<sup>81</sup> Evidence, Dr Elliott, 15 December 2023, p 31.

<sup>82</sup> Answers to questions on notice, Professor Rand, 14 November 2023, pp 1-2.

<sup>83</sup> Answers to questions on notice, Professor Rand, 14 November 2023, p 2.

<sup>84</sup> Answers to questions on notice, Professor Rand, 14 November 2023, p 2.

<sup>85</sup> Answers to questions on notice, Professor Rand, 14 November 2023, p 2.

<sup>86</sup> Evidence, Dr Diana Rayment, BanSci PhD, Program Specialist, PetRescue, 15 December 2023, p 18.

<sup>87</sup> See for example, Evidence, Mrs Melissa Penn, General Manager, Sydney Dogs & Cats Home, 14 November 2023, p 24; Evidence, Ms Vesk, 15 December 2023, p 17.

<sup>88</sup> Evidence, Mr Damian Thomas, Director, Advocacy, Local Government NSW, 15 December 2023, p 14; Evidence, Ms Rosalie Horton, Senior Coordinator, Blacktown Animal Rehoming Centre, Blacktown City Council 14 November 2023, p 6.

<sup>89</sup> Evidence, Ms Vesk, 15 December 2023, p 17.

<sup>90</sup> Evidence, Mrs Penn, 14 November 2023, p 24.

- 2.21** The veterinarian shortage was identified as another barrier to desexing.<sup>91</sup> Ms Nerida Atkin, Feline Services Manager, Cat Protection Society of NSW, outlined that the vet shortage has led to delays in desexing of up to two months, which can result in another litter of kittens.<sup>92</sup> In this regard, Ms Vesk observed: 'We just can't keep up because, even with all the vets and all their work, they don't have the hours in the day. There aren't enough vets'.<sup>93</sup>
- 2.22** Stakeholders identified that the vet shortage is also a particular barrier to desexing in regional, rural and remote areas. Mrs Kristy Forrest, Animal Shelter Coordinator, Dubbo City Animal Shelter, informed the committee that Dubbo City Animal Shelter desexes all animals before they are adopted, but that the wait for desexing 'can be quite long'.<sup>94</sup> One submitter told the committee that costs and access to a vet 'is a major barrier to desexing' in rural and remote areas. This submitter also noted that '[a]nimals being released from many rural and remote pounds are NOT desexed, which can continue the cycle of creating unwanted animals'.<sup>95</sup>

### **Cost of living**

- 2.23** Many inquiry participants told the committee that the rising cost of living is a key driver of the large number of animals in NSW pounds.<sup>96</sup> Mr Troy Wilkie, Senior Government Relations Manager, RSPCA NSW, told the committee that when the RSPCA asks people why they are surrendering an animal, the main reason given in around 50 per cent of cases is cost-of-living pressures.<sup>97</sup> Similarly, Professor Rand told the committee most of the time, 'dogs are surrendered for personal reasons', including financial challenges.<sup>98</sup>
- 2.24** Ms Atkin told the committee that due to the cost of living crisis some people are unable to afford to feed their pets and have reached out to the Cat Protection Society of NSW for support.<sup>99</sup> Additionally, Dr Laura Taylor, Head of Animal Care, Sydney Dogs & Cats Home told the committee that the cost of living crisis has meant that many pet owners are unable to afford basic veterinary care and surrendering their pet may be their only option:

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<sup>91</sup> Evidence, Ms Nell Thompson, Coordinator, Getting 2 Zero, 15 December 2023, p 36; Evidence, Ms Vesk, 15 December 2023, p 17.

<sup>92</sup> Evidence, Ms Nerida Atkin, Feline Services Manager, Cat Protection Society of NSW, 15 December 2023, p 22.

<sup>93</sup> Evidence, Ms Vesk, 15 December 2023, p 17.

<sup>94</sup> Evidence, Mrs Kristy Forrest, Animal Shelter Coordinator, Dubbo City Animal Shelter, 14 November 2023, p 14.

<sup>95</sup> Submission 68, Name suppressed, p 2.

<sup>96</sup> See for example, Evidence, Ms Helen Eyre, Manager Environmental Compliance, Dubbo Regional Council, 14 November 2023, p 10; Evidence, Ms Melissa Souter, President, Inner City Strays, 14 November 2023, pp 27-28; Evidence, Dr Ma, 14 November 2023, p 60; Portfolio Committee No. 8, Inquiry into pounds in New South Wales, *Online questionnaire report*, p 13.

<sup>97</sup> Evidence, Mr Troy Wilkie, Senior Government Relations Manager, RSPCA NSW, 14 November 2023, p 60.

<sup>98</sup> Evidence, Professor Rand, 14 November 2023, p 36.

<sup>99</sup> Evidence, Ms Atkin, 15 December 2023, p 18.

Every week we are seeing members of the public come forward and say, 'We can't afford basic veterinary care due to the cost-of-living crisis.' Unless we have financial support to support them, surrender is the only option that they have, which is obviously increasing the number of animals in pounds.<sup>100</sup>

**2.25** Likewise, the Australian Veterinary Association (AVA) told the committee that barriers to accessing veterinary services can 'lead to increased animal abandonment'.<sup>101</sup> AVA also recognised that this issue is exacerbated in remote and regional areas and low socioeconomic communities.<sup>102</sup>

**2.26** Animal Care Australia also identified financial issues as a key reason for surrenders.<sup>103</sup>

**2.27** Inquiry participants also pointed to the cost of living crisis as a key reason why companion animals are not reclaimed. Dr Rosemary Elliott, President, Sentient, The Veterinary Institute for Animal Ethics, told the committee that a lot of people can't afford to pay the reclaim fee.<sup>104</sup> This was reiterated by Dr Sarah Pollard Williams, Veterinary Surgeon, who informed the committee that cost 'is one of the main reasons stopping people from reclaiming animals from pounds'.<sup>105</sup>

**2.28** Arthur & Co. Pet Detectives gave evidence about the impact of daily impounding fees on members of the public seeking to be reunited with their animals:

In our experience, it can take owners several days to track their pet down, with each day often increasing the fines and fees payable. The number of days that it takes to locate the pet can often be due to (at least in part) inefficiencies in the pound system, such as inaccuracies in information from pound staff and volunteers ... Each of those delays adds to the number of days that the pet is impounded, and therefore any applicable daily fees, which are then borne by the owner.<sup>106</sup>

**2.29** Arthur & Co. Pet Detectives gave an example of pro bono work they had done for a woman experiencing homelessness, stating 'when she tried to recover her dog from a pound [she] was faced with a fee that was over \$1,000 – an amount that would ordinarily mean that this lady was left without her beloved dog of 12 years'.<sup>107</sup>

**2.30** The Australian Pet Welfare Foundation recommended that all councils introduce 'reasonable payment plans for any fines or fees' instead of continuing to hold the animal in the pound until payment is made, as a way to improve outcomes for animals, reduce euthanasia rates and reduce costs.<sup>108</sup>

<sup>100</sup> Evidence, Dr Laura Taylor, Head of Animal Care, Sydney Dogs & Cats Home, 14 November 2023, p 28.

<sup>101</sup> Submission 109, Australian Veterinary Association, p 6.

<sup>102</sup> Submission 109, Australian Veterinary Association, p 6.

<sup>103</sup> Submission 82, Animal Care Australia, p 9.

<sup>104</sup> Evidence, Dr Elliott, 15 December 2023, p 31.

<sup>105</sup> Evidence, Dr Sarah Pollard Williams, Veterinary Surgeon, 15 December 2023, p 31.

<sup>106</sup> Submission 103, Arthur & Co. Pet Detectives, p 2.

<sup>107</sup> Submission 103, Arthur & Co. Pet Detectives, p 2.

<sup>108</sup> Submission 132, Australian Pet Welfare Foundation, p 43.

**Lack of animal friendly rentals**

- 2.31** The committee also heard that animals are being abandoned because of the rental crisis in New South Wales. Mr Troy Wilkie, Senior Government Relations Manager, RSPCA NSW, gave evidence that one in five surrendered pets are being surrendered 'due to rental concerns'.<sup>109</sup>
- 2.32** Dr Elliott observed that, generally speaking, it's not easy to get into the rental market, but 'when you throw in an animal you are disadvantaged'.<sup>110</sup> She explained this was because New South Wales rental laws are 'not pet friendly', and tenants must seek permission from the property owner to have an animal, which can be refused.<sup>111</sup>
- 2.33** Likewise, Mrs Melissa Penn, General Manager, Sydney Dogs & Cats Home told the committee people are unable to find housing for their pets 'because [landlords] are still refusing animals in the home, so they're being forced to surrender their animals. That problem is getting larger and not smaller, which is a real concern'.<sup>112</sup> Sydney Dogs & Cats Home advocated for the introduction of 'legislation that protects the rights of pet owners in rental properties, reducing the likelihood of surrenders due to housing restrictions'.<sup>113</sup> This call was backed by other stakeholders, including Sentient, The Veterinary Institute for Animal Ethics, Tamworth Regional Council, the City of Sydney, the Australian Pet Welfare Foundation and NSW Young Lawyers Animal Law Sub-Committee.<sup>114</sup>
- 2.34** This disadvantage is heightened for individuals leaving domestic violence, with Dr Elliott noting that not all domestic violence shelters accept animals.<sup>115</sup> Dr Gemma Ma, Project Manager, Keeping Cats Safe at Home, and Community Veterinarian, RSPCA NSW, gave further evidence as to how a lack of animal-friendly rental accommodation affects victims of domestic and family violence:
- There is not enough pet-friendly accommodation for people. People are being forced to move and they can't find accommodation that will accommodate their animals as well. As an example, in the last quarter, like the last three months, we've supported over 200 clients with emergency boarding for their animals who have had to move for domestic and family violence or aged care or homelessness.<sup>116</sup>
- 2.35** Additionally, one respondent to the committee's online questionnaire told the committee that one year after escaping domestic violence they were unable to secure a rental property despite being an exceptional tenant:

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<sup>109</sup> Evidence, Mr Wilkie, 14 November 2023, p 60.

<sup>110</sup> Evidence, Dr Elliott, 15 December 2023, p 31.

<sup>111</sup> Evidence, Dr Elliott, 15 December 2023, p 30.

<sup>112</sup> Evidence, Mrs Penn, 14 November 2023, p 28.

<sup>113</sup> Submission 56, Sydney Dogs & Cats Home, p 10.

<sup>114</sup> Submission 81, Sentient, The Veterinary Institute for Animal Ethics, pp 8, 15; Submission 128, Tamworth Regional Council, pp 3, 4; Submission 49, City of Sydney, p 3; Submission 132, Australian Pet Welfare Foundation, pp 57, 58-59; Submission 133, NSW Young Lawyers Animal Law Sub-Committee, p 13.

<sup>115</sup> Evidence, Dr Elliott, 15 December 2023, p 31.

<sup>116</sup> Evidence, Dr Ma, 14 November 2023, p 60.

I left a DV relationship and had to rent a property in a hurry. A year later the owner decided to sell and I had to look for another rental with my 2 mini dachshunds. Due to them being inside dogs I wasn't able to secure a property for the first time in my life. I have a Government job, earn a very good wage and have an A+ tenant record but no one would rent to me.<sup>117</sup>

- 2.36** The committee also heard that there is a lack of pet-friendly rental accommodation in rural and regional communities. Ms Gina Vereker, Director Liveable Communities, Tamworth Regional Council outlined the increasing number of people in Tamworth experiencing houselessness, stating that many of these individuals have had to surrender their animals due to rental laws prohibiting them from having animals on their rental property.<sup>118</sup>

### **Puppy farming and backyard breeding**

- 2.37** A number of inquiry participants identified puppy farming and backyard breeding as underlying factors funneling companion animals into NSW pounds:

- The Pet Industry Association of Australia advised the committee that 'unregulated backyard trade ... is the primary source of unwanted pets ending up in NSW pounds'.<sup>119</sup>
- The Cat Protection Society of NSW told the committee that puppy farms are 'cruel, unnecessary, and contributing to the overpopulation of pets'.<sup>120</sup>
- The Australian Institute of Local Government Rangers advised the committee that '[t]he number of animals that enter pounds is indicative of the scale of continued and unregulated backyard breeding and incidental litters'.<sup>121</sup>

- 2.38** The committee also heard that breeders are not required to desex animals before they are sold, which 'only perpetuate[s] the cycle of breeding'.<sup>122</sup>

- 2.39** As well as contributing to overpopulation, some inquiry participants told the committee that animals purchased from puppy farms and backyard breeders may have health problems, which can result in such animals being surrendered after they are acquired. German Shepherd Rescue New South Wales explained to the committee that health issues are often linked to inbreeding.

Dogs and cats are ending up in pounds because [backyard breeders] are breeding inbred dogs with major issues ... These issues don't normally appear until adult hood and that is when there is a high dumpage rate ...<sup>123</sup>

<sup>117</sup> Portfolio Committee No. 8, Inquiry into pounds in New South Wales, *Online questionnaire report*, p 13.

<sup>118</sup> Evidence, Ms Gina Vereker Director Liveable Communities, Tamworth Regional Council, 14 November 2023, p 10.

<sup>119</sup> Submission 80, Pet Industry Association of Australia, p 2.

<sup>120</sup> Submission 126, Cat Protection Society of NSW, p 4.

<sup>121</sup> Submission 65, Australian Institute of Local Government Rangers, p 5.

<sup>122</sup> Submission 115, Susie Header, p 4.

<sup>123</sup> Submission 60, German Shepherd Rescue New South Wales, p 5.



- 2.40** Respondents to the committee's online questionnaire also identified a lack of regulation of backyard breeding and puppy farms as a common reason animals end up in NSW pounds.<sup>124</sup> Additionally, respondents to the online questionnaire told the committee that there is a large number of dogs with health issues due to inbreeding.<sup>125</sup>

### **Community attitudes**

- 2.41** Some inquiry participants told the committee that the large number of animals in NSW pounds is also a result of poor community attitudes and a lack of understanding that an animal is for life. The term 'irresponsible pet ownership' was often used to refer to people who do not desex their animals, have insufficient fencing or containment arrangement in place at home, do not provide suitable training, and who do not microchip and register animals in their care.<sup>126</sup>
- 2.42** Sydney Dogs & Cats Home identified this as a key factor contributing to the number of stray and surrendered animals in NSW pounds.<sup>127</sup> Additionally, respondents to the committee's online questionnaire identified a lack of education around animal care as a common reason why animals were ending up in pounds.<sup>128</sup> These respondents referred to a lack of personal responsibility, and the lack of education provided by pounds and councils to those who adopt animals.<sup>129</sup>
- 2.43** One respondent to the committee's online questionnaire said that '[t]oo many people don't take animal ownership seriously. They get a dog on a whim, then surrender it later. They need to know that a companion animal is for life'.<sup>130</sup> Another respondent said that some people 'don't understand the responsibility of owning an animal and the time you have to put in to ensure they are socialised and trained properly'.<sup>131</sup>
- 2.44** However, stakeholders also emphasised how socioeconomic circumstances may impact on the ability of people to desex, microchip and register their animals.<sup>132</sup>
- 2.45** Additionally, the City of Sydney stated in its submission that '[o]wners are unable to afford veterinary care, pet food, training and behavioural requirements, or are having to downsize and relocate to more affordable housing where they can no longer accommodate their animal'.<sup>133</sup>

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<sup>124</sup> Portfolio Committee No. 8, Inquiry into pounds in New South Wales, *Online questionnaire report*, p 13.

<sup>125</sup> Portfolio Committee No. 8, Inquiry into pounds in New South Wales, *Online questionnaire report*, p 13.

<sup>126</sup> See for example, Submission 122, Animal Welfare League NSW, p 14; Submission 56, Sydney Dogs & Cats Home, p 5; Submission 53, Albury City Council, p 2.

<sup>127</sup> Submission 56, Sydney Dogs & Cats Home, p 5.

<sup>128</sup> Portfolio Committee No. 8, Inquiry into pounds in New South Wales, *Online questionnaire report*, p 13.

<sup>129</sup> Portfolio Committee No. 8, Inquiry into pounds in New South Wales, *Online questionnaire report*, p 13.

<sup>130</sup> Portfolio Committee No. 8, Inquiry into pounds in New South Wales, *Online questionnaire report*, p 14.

<sup>131</sup> Portfolio Committee No. 8, Inquiry into pounds in New South Wales, *Online questionnaire report*, p 13.

<sup>132</sup> See for example, Answers to questions on notice, Professor Rand, 14 November 2023, pp 1, 2; Evidence, Dr Elliott, 15 December 2023, p 31; Evidence, Mr Michael Ryan, President, Australian Institute of Local Government Ranger, 14 November 2023, p 21; Submission 136, Blacktown City Council, p 4.

<sup>133</sup> Submission 49, City of Sydney, p 2.

**2.46** In addition to a lack of affordability, Narrabri Shire Council told the committee that impounded animals in their local government area 'are commonly from lower socio-economic areas, where public housing owned properties do not have adequate fencing/containment'.<sup>134</sup>

**2.47** Inquiry participants also outlined that attitudes towards particular types of dogs and cats creates a market that encourages breeding.<sup>135</sup> The City of Sydney told the committee that people continue to buy dogs from pet shops or private breeders as they want to buy a 'designer' breed:

It seems to be a trend that certain breeds of dogs, such as small or “designer breeds”, are the types of dogs in high demand. ... With the high demand for certain breeds and types of dogs from the public, people will continue to breed and sell dogs while there is a market for it.<sup>136</sup>

**2.48** Local Government NSW further explained that there is a preference for puppy or small to medium sized dogs: 'Community perception about what breeds are desirable or suit higher density living/lifestyles, with a preference for puppies or small-medium dogs'.<sup>137</sup>

### **Awareness and cost of registration and microchipping**

**2.49** The committee also heard there is a lack of awareness around registration and microchipping requirements for companion animals, which contributes to the large number of animals entering, and remaining in NSW pounds.

**2.50** Under the *Companion Animals Act 1998* individuals are responsible for identifying (microchipping) and registering their animals within a certain period of time.<sup>138</sup> This is a two-step process, as outlined in the 2022 *Rehoming of Companion Animals in NSW* draft report:<sup>139</sup>

- First, companion animals must be microchipped. Once the animal is microchipped a Permanent Identification Form is completed and recorded on the Companion Animals Register (CAR). This form includes specific information, such as the microchip number, details about the animal (species, gender, breed, date of birth, address etc.), and information about the person (name, contact details etc.). If circumstances change, they must 'notify any local council within a specified period of time ... to update the [CAR]'.<sup>140</sup>

<sup>134</sup> Submission 77, Narrabri Shire Council, p 4.

<sup>135</sup> See for example, Submission 49, City of Sydney, p 3; Evidence, Cr Moore, 14 November 2023, p 2; Submission 127, Local Government NSW, p 7; Evidence, Ms Monika Biernacki, Founder, DoggieRescue, 14 November 2023, p 32.

<sup>136</sup> Submission 49, City of Sydney, p 3.

<sup>137</sup> Submission 127, Local Government NSW, p 7.

<sup>138</sup> *Companion Animals Act 1998* (NSW) ss 8, 9.

<sup>139</sup> Centre for International Economics, *Rehoming of Companion Animals in NSW (draft report)*, September 2022, pp 16-17.

<sup>140</sup> Centre for International Economics, *Rehoming of Companion Animals in NSW (draft report)*, September 2022, p 17.

- After an animal is identified (microchipped), people must register their animals via the NSW Pet Registry. This includes paying a registration fee. As explained in the draft report, the main purpose of registration is to 'provide council with a source of revenue' via the Companion Animals Fund and encourage owners to desex their animals as registration fees are higher for non-desexed animals.<sup>141</sup>

**2.51** The Australian Veterinary Association told the committee that, when an animal is impounded, it must be immediately scanned for a microchip and checked for 'other forms of identification (such as collars, tags, leg bands) ... to try and locate their owner'.<sup>142</sup>

**2.52** The committee heard that more often than not, microchips contain inaccurate and out of date information, which can prevent or delay reuniting animals with their families. Dr Alex Keough, Practice Owner, Lake Road Veterinary Hospital, explained that many people assume that microchips are a 'be-all' and 'end-all', when in fact 'less than 50 per cent of microchips ... actually have accurate data on them'.<sup>143</sup>

**2.53** Similarly, Ms Anne Marie Frances Curry, Owner and Founder, Arthur & Co. Pet Detectives, stated that when a pet goes missing, 50 to 70 per cent of the time, their 'microchip details are out of date or with a former owner or the breeder, or they're microchipped in another jurisdiction'.<sup>144</sup> Ms Curry further advised that the NSW Pet Registry does not recognise microchips from another state, and that 'unless pounds have multijurisdictional access to all of the databases, which often come with subscription and access fees', it is difficult to identify their family.<sup>145</sup>

**2.54** The committee received evidence that there was significant public confusion around the two-step identification and registration process, which requires people to both microchip an animal, and then register that animal with the NSW Pet Registry.<sup>146</sup> For example, Pound Rescue Incorporated gave evidence that:

It is not uncommon to rescue a dog or a cat from a council pound to find that, whilst there is a microchip implanted in the animal, no information about the microchip, or the animal has been entered on the NSW Pet Registry. The animal cannot therefore be identified. This defeats the purpose of the compulsory identification and microchipping

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<sup>141</sup> Centre for International Economics, *Rehoming of Companion Animals in NSW (draft report)*, September 2022, pp 18-19.

<sup>142</sup> Submission 109, Australian Veterinary Association, p 6.

<sup>143</sup> Evidence, Dr Alex Keough, Practice Owner, Lake Road Veterinary Hospital, 15 December 2023, p 28.

<sup>144</sup> Evidence, Ms Anne Marie Frances Curry, Owner and Founder, Arthur & Co. Pet Detectives, 15 December 2023, p 47.

<sup>145</sup> Evidence, Ms Curry, 15 December 2023, p 47.

<sup>146</sup> Evidence, Mr Troy McGlynn, Committee Member, Australian Institute of Local Government Ranger, 14 November 2023, p 21; Submission 83, NSW Government, p 14; Submission 75, Campbelltown City Council, p 9; Centre for International Economics, *Rehoming of Companion Animals in NSW (draft report)*, September 2022, p 5 [https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report\\_NSW-OLG\\_Rehoming-of-Companion-Animals-in-NSW.pdf](https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report_NSW-OLG_Rehoming-of-Companion-Animals-in-NSW.pdf).

regime and may result in the animal being euthanised in a council pound because the pound cannot identify and notify the owner.<sup>147</sup>

- 2.55** Mr Leon Marskell, Manager City Standards and Compliance, Campbelltown City Council echoed these concerns, observing that 'we need to come up with a better solution to be a one-stop shop and managed appropriately'.<sup>148</sup>
- 2.56** In addition, the committee also heard evidence that cost can be a barrier to registration.<sup>149</sup> For example, Blacktown City Council stated that 'registration fees are perceived [as being] too high by the community [and] the additional costs for late desexing may deter pet owners from registering' their animals.<sup>150</sup>
- 2.57** Similarly, Mr Michael Ryan, President, Australian Institute of Local Government Rangers, told the committee that the rising cost of registration is 'now way and above the ordinary person's means'.<sup>151</sup> Mr Ryan also noted that there is a correlation between increasing registration costs and euthanasia rates.<sup>152</sup>
- 2.58** The Australian Pet Welfare Foundation expressed specific concern about the 'annual permit fee for non-desexed cats', which is \$80 for a cat desexed when older than 4 months, even if the person only acquired the cat when they were older than 4 months.<sup>153</sup>
- 2.59** Inner City Strays also expressed concerns about the impact of this annual permit fee:
- The non desexed permit applied to all cats that are not desexed by 4 months of age has proven (to us) to be disastrous and we believe sadly a reason many cats are not desexed upon entering the pound system. Sadly many microchipped cats are not registered or owners' details are out of date.<sup>154</sup>
- 2.60** The 2022 *Rehoming of Companion Animals in NSW* draft report also explored this issue, and recommended that the NSW Government remove this annual fee for non-desexed cats.<sup>155</sup> The report explained this would mean this fee would no longer be a 'barrier to Community Cat programs that desex, identify and register cats, which currently incur the annual fee for the first year if cats are older than four months and are not desexed'.<sup>156</sup>

<sup>147</sup> Submission 100, Pound Rescue Incorporated, p 3.

<sup>148</sup> Evidence, Mr Leon Marskell, Manager City Standards and Compliance, Campbelltown City Council, 14 November 2023, p 7.

<sup>149</sup> Evidence, Mr Ryan, 14 November 2023, p 21; Submission 136, Blacktown City Council, p 4.

<sup>150</sup> Submission 136, Blacktown City Council, p 4.

<sup>151</sup> Evidence, Mr Ryan, 14 November 2023, p 21.

<sup>152</sup> Evidence, Mr Ryan, 14 November 2023, p 21

<sup>153</sup> Submission 132, Australian Pet Welfare Foundation, p 20.

<sup>154</sup> Submission 57, Inner City Strays p 2.

<sup>155</sup> Centre for International Economics, *Rehoming of Companion Animals in NSW (draft report)*, September 2022, draft recommendation 6 a).

<sup>156</sup> Centre for International Economics, *Rehoming of Companion Animals in NSW (draft report)*, September 2022, p 63.

- 2.61** On the issue of registration costs, the NSW Government advised that 'NSW has a one-off lifetime registration fee to incentivise and reduce financial barriers for companion animal owners to register their pets'.<sup>157</sup> This mechanism also further incentivises the desexing of companion animals.<sup>158</sup> The government advised that, as of August 2023, 'more than 100,000 lifetime pet registrations' were recorded in the three years prior.<sup>159</sup>
- 2.62** However, some inquiry participants expressed criticism of the lifetime registration fee.<sup>160</sup> For example, Campbelltown City Council told the committee that the decline in registration revenue has eroded 'the once-vibrant funding source for diverse animal-related initiatives, including education campaigns and community outreach'.<sup>161</sup>
- 2.63** The NSW Government acknowledged that lifetime registration has reduced the 'ongoing revenue stream' for the Companion Animals Fund.<sup>162</sup> However, Local Government NSW cautioned against a return to annual registration fees, as this 'will create a larger administrative workload and may have the perverse outcome of driving pet ownership underground'.<sup>163</sup>

## COVID-19

- 2.64** Finally, the committee heard that the large number of animals entering NSW pounds is linked to the COVID-19 pandemic. The Animal Welfare League NSW explained that during the COVID-19 pandemic, 'many people sought animal companionship', leading to a significant increase in animal adoption, particularly for dogs.<sup>164</sup> However, Animal Welfare League NSW informed the committee that when lockdowns ended and people returned to work, 'surrender inquiries rose significantly'.<sup>165</sup> Ms Monika Biernacki, Founder, DoggieRescue, shared similar observations, stating that during the pandemic, some pounds were 'almost empty', but now 'it's just diabolical'.<sup>166</sup>
- 2.65** Dr Anne Quain, Committee member, Australian Veterinary Association New South Wales Division, expressed the view that some individuals who adopted animals during the COVID-19 pandemic did not fully comprehend the responsibilities required, including the behavioural needs of companion animals:

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<sup>157</sup> Submission 83, NSW Government, p 5.

<sup>158</sup> Submission 83, NSW Government, p 7.

<sup>159</sup> Submission 83, NSW Government, p 7.

<sup>160</sup> See for example, Evidence, Mr Marskell, Manager City Standards and Compliance, Campbelltown City Council, 14 November 2023, p 7; Submission 66, Council Unites for Pets Reference Group, p 9; Submission 75, Campbelltown City Council, p 9.

<sup>161</sup> Submission 75, Campbelltown City Council, p 9.

<sup>162</sup> Submission 83, NSW Government, p 9.

<sup>163</sup> Submission 127, Local Government NSW, p 6.

<sup>164</sup> Submission 122, Animal Welfare League NSW, p 14.

<sup>165</sup> Submission 122, Animal Welfare League NSW, p 14.

<sup>166</sup> Evidence, Ms Biernacki, 14 November 2023, p 34.

[...] quite a few people, who were thinking they might eventually adopt an animal, used the COVID time, when they weren't able to travel, to take on those responsibilities, not necessarily perhaps having time to have done the research on the needs of those animals. So we are seeing issues where people have adopted animals and they don't quite understand their behavioural needs. Now that borders have opened up and people would like to go away and they have some high-needs animals, it's a struggle for them. I am certainly aware, personally, of animals being surrendered at an early age that had been adopted during the pandemic.<sup>167</sup>

- 2.66** These observations were echoed by Mrs Melissa Penn, General Manager, Sydney Dogs & Cats Home, who told the committee that following the COVID-19 pandemic, Sydney Dogs & Cats Home has received an 'alarming' number of calls from individuals wanting to surrender their animals.<sup>168</sup> Mrs Penn stated that one reason for this was due to behavioural issues stemming from a lack of socialisation, especially for dogs that had been bought as puppies: '[s]uddenly, now their owners are back at work, they have separation anxiety and display various behavioural problems that people are growing tired of'.<sup>169</sup>

## Strategies to prevent and reduce the number of animals entering NSW pounds

- 2.67** Throughout this inquiry, stakeholders identified various strategies that could be implemented to prevent and reduce the number of animals entering NSW pounds, highlighting the need for such strategies to be evidence-based, flexible and targeted.<sup>170</sup>

- 2.68** Specific solutions identified by inquiry participants include:

- mandatory desexing
- targeted desexing programs
- prohibiting puppy farming and backyard breeding
- animals for life strategies
- subsidies for registration and microchipping
- community education.

- 2.69** These strategies are discussed in turn below.

<sup>167</sup> Evidence, Dr Anne Quain, Committee member, Australian Veterinary Association New South Wales Division, 14 November 2023, p 45.

<sup>168</sup> Evidence, Mrs Penn, 14 November 2023, p 28.

<sup>169</sup> Evidence, Mrs Penn, 14 November 2023, p 28.

<sup>170</sup> Evidence, Mr Thomas, 15 December 2023, p 12; Evidence, Professor Rand, 14 November 2023, pp 39, 41, 42; Evidence, Ms Kathryn Jurd, General Counsel, RSPCA NSW, 14 November 2023, p 54; Evidence, Ms Thompson, 15 December 2023, p 37.

### **Mandatory desexing**

- 2.70** While many inquiry participants identified a lack of desexing as an underlying driver of the large number of animals in NSW pounds, there was debate around whether or not mandatory desexing is the right solution.
- 2.71** The Animal Defenders Office (ADO) expressed support for the introduction of mandatory desexing legislation for cats and dogs, telling the committee that such a measure would 'deal effectively with the overcrowding of pounds [by] ... reduc[ing] the population of cats and dogs', and noting that such legislation exists in other Australian jurisdictions.<sup>171</sup> In doing so, ADO told the committee that there would need to be exceptions in place for foster carers, individual rescuers, small rescue groups, and rehoming organisations.<sup>172</sup>
- 2.72** A number of councils also expressed support for mandatory desexing laws.<sup>173</sup> Mr Kerry Robinson OAM, Chief Executive Officer, Blacktown City Council, advised the committee that mandatory desexing laws would 'have a direct impact on the amount of unwanted animals and reduce rates of euthanasia'.<sup>174</sup> However, Mr Robinson also acknowledged that the main reason animals are not desexed is due to cost, and that funding would be required to make desexing more affordable, should it become mandatory.<sup>175</sup>
- 2.73** Sydney Dogs & Cats Home also highlighted the benefits of mandatory desexing of companion animals with carefully drafted exceptions:
- Enacting legislation that mandates the desexing of all companion animals in NSW will play a significant role in controlling the animal population and reducing the number of animals ending up in pounds. Mandatory desexing can significantly curb unplanned litters and overpopulation. This measure would need to be carefully crafted to address exemptions for registered breeders and situations where desexing might be medically inadvisable.<sup>176</sup>
- 2.74** In contrast, inquiry participants who did not agree with mandatory desexing argued that this measure was not supported by evidence and would have a disproportionate impact on lower socioeconomic communities.

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<sup>171</sup> Submission 116, Animal Defenders Office, p 9.

<sup>172</sup> Submission 116, Animal Defenders Office, p 9.

<sup>173</sup> See for example, Evidence, Cr Moore, 14 November 2023, p 3; Evidence, Mr Kerry Robinson OAM, Chief Executive Officer, Blacktown City Council, 14 November 2023, p 4; Evidence Ms Vereker, 14 November 2023, pp 15, 16; Evidence, Mrs Forrest, 14 November 2023, p 15; Evidence, Ms Eyre, 14 November 2023, p 16.

<sup>174</sup> Evidence, Mr Robinson, 14 November 2023, p 4.

<sup>175</sup> Evidence, Mr Robinson, 14 November 2023, p 4.

<sup>176</sup> Submission 56, Sydney Dogs & Cats Home, p 9.

- 2.75** Some inquiry participants argued that mandatory desexing does not address the barriers to desexing, and may consequently criminalise having a cat.<sup>177</sup> Ms Nell Thompson, Coordinator, Getting 2 Zero, told the committee that while rescue groups, local government, and not for profit organisations should be required to desex animals before rehoming them, this expectation should not be placed on the general community.<sup>178</sup> Ms Thompson argued that the focus should be on removing barriers to desexing.<sup>179</sup>
- 2.76** Further, Emeritus Professor Jacquie Rand, Executive Director & Chief Scientist, Australian Pet Welfare Foundation, expressed concerns about the impact of mandatory desexing in low socioeconomic communities, and would encourage semi-ownership:
- [...] the effect of mandating desexing is essentially to criminalize cat ownership in the less prosperous parts of the country and to encourage semi-ownership. Public policy effectively encourages people to say that “it’s not my cat,” and disavow their best instincts for caring.<sup>180</sup>
- 2.77** Some inquiry participants were supportive of mandatory containment for cats.
- 2.78** As explained by Ms Gina Vereker, Director Liveable Communities, Tamworth Regional Council, it can be difficult to control the number of cats when they are allowed to roam freely, 'particularly when most of them aren't desexed'.<sup>181</sup>
- 2.79** By contrast, Ms Thompson advised the committee that there is no evidence that mandatory containment laws have 'any positive effect at all' on reducing intake in pounds.<sup>182</sup> She further explained that while mandatory containment and mandatory desexing may sound like good strategies, they would not address the large number of unowned or semi-owned cats:
- [t]he majority, 70-odd per cent, of cats being intaked to a municipal or not-for-profit shelter are unowned or semi-owned, so any mandatory compliance legislation approach is not going to affect them at all.<sup>183</sup>
- 2.80** The Australian Pet Welfare Foundation further gave evidence that mandatory cat containment laws lead to increased impoundments and therefore result in increased costs for councils, noting that 'the average minimum cost of care in a pound or a shelter of \$1,000 for a dog and \$500 for a cat'.<sup>184</sup> They also gave the example of Yarra Ranges Council in Victoria, which introduced mandatory containment and saw a '68% increase in impoundments, 143% increase in cat nuisance complaints and an 18% increase in euthanasia'.<sup>185</sup>

<sup>177</sup> Answers to questions on notice, Professor Rand, 14 November 2023, p 2; Evidence, Ms Thompson, 15 December 2023, p 41; Submission 130, Jenny Cotterell, p 4.

<sup>178</sup> Evidence, Ms Thompson, 15 December 2023, p 41.

<sup>179</sup> Evidence, Ms Thompson, Coordinator, 15 December 2023, p 41.

<sup>180</sup> Answers to questions on notice, Professor Rand, 14 November 2023, p 2.

<sup>181</sup> Evidence, Ms Vereker, 14 November 2023, p 16.

<sup>182</sup> Evidence, Ms Thompson, 15 December 2023, p 37.

<sup>183</sup> Evidence, Ms Thompson, 15 December 2023, p 37.

<sup>184</sup> Submission 132, Australian Pet Welfare Foundation, p 59.

<sup>185</sup> Submission 132, Australian Pet Welfare Foundation, p 48.



### Targeted desexing programs

- 2.81** Separate to mandatory desexing, a number of inquiry participants called for the implementation of targeted desexing, and government funding for desexing.<sup>186</sup>
- 2.82** Local Government NSW was supportive of '[s]ubsidise[d] desexing programs for cats, particularly for owners in financial hardship or where there are significant numbers of semi-owned/'homeless' cats'.<sup>187</sup>
- 2.83** Similarly, Blacktown City Council told the committee that the government should '[f]und free desexing programs and education programs for pet owners, especially in areas with high dumping rates'.<sup>188</sup> Mr Robinson further explained that the council 'would love to offer free desexing services at [Blacktown Animal Rehoming Center]', however, they would need government funding to do so.<sup>189</sup>
- 2.84** The committee also heard about the success of the RSPCA's Community Cat Program which provides 'targeted free cat desexing'.<sup>190</sup> According to RSPCA NSW, the first year of this program has seen a significant reduction in cat nuisance complaints in 'Campbelltown (-56%), City of Parramatta (-49%), Shoalhaven (-56%) and Weddin Shire (-66%) council areas'.<sup>191</sup> Additionally, the Canterbury-Bankstown Community Cat Program saw a notable reduction of cat intake in Greenacre, '31% in the first year and 46% in the second year'.<sup>192</sup>
- 2.85** The Australian Pet Welfare Foundation gave evidence about the effectiveness specifically of community cat desexing programs in reducing pound intake and euthanasia rates:

To effectively reduce the number of free-roaming cats in a council area, a proactive strategy which prevents reproduction is needed i.e., Community Cat Programs, which are based on high intensity free desexing, microchipping and registration for all cats in areas of high cat intake, euthanasia or nuisance complaints to councils. Reducing the number of free-roaming stray cats in the surrounding area will reduce cat intake into the pound, significantly reducing overall costs to councils.<sup>193</sup>

<sup>186</sup> See for example, Evidence, Ms Souter, 14 November 2023, p 25; Evidence, Ms Christine Crowe, Secretary, Inner City Strays, 14 November 2023, p 25; Evidence, Mrs Penn, 14 November 2023, pp 25, 27; Evidence, Dr Taylor, 14 November 2023, pp 25, 27; Submission 127, Local Government NSW, pp 16-17; Evidence, Cr Moore, 14 November 2023, p 4; Submission 136, Blacktown City Council, p 4; Evidence, Mr Robinson, 14 November 2023, p 4; Evidence, Ms Horton, 14 November 2023, pp 6-7.

<sup>187</sup> Submission 127, Local Government NSW, p 16.

<sup>188</sup> Submission 136, Blacktown City Council, p 4.

<sup>189</sup> Evidence, Mr Robinson, 14 November 2023, p 4.

<sup>190</sup> Submission 131, RSPCA NSW, pp 20- 21; Submission 132, Australian Pet Welfare Foundation, pp 15, 42.

<sup>191</sup> Submission 131, RSPCA NSW, p 21.

<sup>192</sup> Submission 132, Australian Pet Welfare Foundation, p 42.

<sup>193</sup> Submission 132, Australian Pet Welfare Foundation, p 13.

**2.86** Australian Pet Welfare Foundation gave the example of the success of Banyule City Council in Victoria, noting that since 2013, Banyule has spent \$60,000 on its free community cat desexing program which has saved them \$397,500 on cat impoundment costs alone.<sup>194</sup>

**2.87** Ms Rosalie Horton, Senior Coordinator, Blacktown Animal Rehoming Centre, Blacktown City Council, further gave evidence that was supportive of managed cat colonies, stating that:

[i]f you can have a managed colony—and that would have a tasked member to be able to manage the colony—we think that we can actually prevent the breeding of these cats and at least tackle something that we think is a major issue.<sup>195</sup>

**2.88** The *Rehoming of Companion Animals in NSW* draft report published by the Office of Local Government also recommended the NSW Government establish an 'ongoing funding arrangement for a community cat program' that is targeted to councils with the highest cat intakes:

The NSW Government to establish an ongoing funding arrangement for a community cat program which councils can apply to and could be run in partnership with the RSPCA or a similar experienced body. This would be targeted to councils with the highest cat intakes. Councils would need to show that they can target the areas with the highest problems and to report on outcomes. The expected cost of a program that would reduce cat euthanasia by one third is \$2 million per year on average, initially run over a five year period. Councils would benefit financially from this through reduced pound intakes. However, rather than seeking co-funding from councils, this cost saving would allow councils to redirect resources into increasing adoption rates for remaining animals.<sup>196</sup>

**2.89** Mrs Melissa Penn, General Manager, Sydney Dogs & Cats Home, gave evidence that the current requirement for animals to be microchipped and registered to an individual could raise problems in community cat desexing programs:

We do see an obstacle with desexing programs, particularly if we're talking around semi-owned cats: people not wanting to come forward with cats for desexing because there is an obligation around ownership to have the cat registered towards that owner. We do see that as an obstacle towards achieving successful desexing programs and outcomes. But I think if there was a way to take that from an individual ownership, that would probably remove that obstacle.<sup>197</sup>

**2.90** Australian Pet Welfare Foundation recommended that, in light of these concerns, 'legislation and regulation should be amended to allow cats to be registered and identified via microchip to an "organisation" rather than only to an individual person.'<sup>198</sup>

<sup>194</sup> Submission 132, Australian Pet Welfare Foundation, p 15.

<sup>195</sup> Evidence, Ms Horton, 14 November 2023, p 7.

<sup>196</sup> Centre for International Economics, *Rehoming of Companion Animals in NSW (draft report)*, September 2022, draft recommendation 1.

<sup>197</sup> Evidence, Mrs Penn, 14 November 2023, p 24.

<sup>198</sup> Submission 132, Australian Pet Welfare Foundation, p 6.

**2.91** Some inquiry participants who supported the introduction of Trap Neuter Release (TNR) programs discussed how legislative restrictions can prevent this initiative from being implemented. Ms Tara Ward, Volunteer Managing Solicitor, Animal Defenders Office, told the committee that there is some confusion as to whether the 'release' component of TNR programs could be considered 'abandonment' and therefore a violation of the POCTA Act.<sup>199</sup> Ms Ward argued that to address this 'grey area', section 11 of the POCTA Act should be amended to clarify that this provision does not apply to TNR programs.<sup>200</sup>

**2.92** Mrs Penn expressed frustration with the current legal situation concerning TNR and highlighted the need for legal reform:

There is an opportunity there for great legislation reform to legalise the process so that these animals can come in and be desexed and released with minimal harm and negative impact to the welfare of the animal. It is a problem at the moment. We try and support councils with desexing programs but, of course, because the legislation deems it as being an illegal process to do it in that manner, it is very difficult for us to support councils with effective desexing programs without being able to do TNR programs.<sup>201</sup>

### **Puppy farming and backyard breeding**

**2.93** A number of inquiry participants expressed support for legislative reform to prohibit puppy farming and backyard breeding.<sup>202</sup> For example, Pound Rescue Incorporated argued that the government should 'outlaw puppy farms and backyard breeders; be courageous and stand up to the pet industry and outlaw the sale of companion animals in pet shops'.<sup>203</sup> Along similar lines, one submitter told the committee that '[b]ackyard breeding and puppy farms need to be banned immediately'.<sup>204</sup>

**2.94** Some inquiry participants supported the proposed amendments to the *Companion Animals Act* as set out in the *Companion Animals Amendment (Puppy Farms) Bill 2021*,<sup>205</sup> which includes:

- caps on the number of female breeding animals
- limits on the number of litters per breeding dog or cat
- ban on the sale of animals in pet shops and moving to rescue-adoption models
- breeder licensing

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<sup>199</sup> Evidence, Ms Tara Ward, Volunteer Managing Solicitor, Animal Defenders Office, 14 November 2023, pp 50, 51.

<sup>200</sup> Evidence, Ms Ward, 14 November 2023, p 51.

<sup>201</sup> Evidence, Mrs Penn, 14 November 2023, p 27.

<sup>202</sup> See for example, Evidence, Ms Biernacki, 14 November 2023, p 32; Submission 91, Name suppressed, p 6; Submission 100, Pound Rescue Incorporated, p 5; Submission 60, German Shepherd Rescue New South Wales, p 5.

<sup>203</sup> Submission 100, Pound Rescue Incorporated, p 5.

<sup>204</sup> Submission 91, Name suppressed, p 6.

<sup>205</sup> Evidence, Cr Moore, 14 November 2023, pp 2-3; Submission 49, City of Sydney, p 3; Evidence, Ms Ryan, 14 November 2023, p 40.

- enforcement powers enabling a relevant officer to enter property and seize all animals if a proprietor is in breach of a provision.<sup>206</sup>

**2.95** As noted in chapter 1, the Puppy Farms Bill was considered by the Legislative Council Select Committee on Puppy Farming in New South Wales. The Select Committee's report made a number of recommendations, including:

- 'That ... the NSW Government urgently introduce legislation on puppy and kitten farming in New South Wales'<sup>207</sup>
- That the NSW Government introduce a well-resourced breeder licensing scheme in New South Wales that contains robust licensing conditions for breeders<sup>208</sup>
- 'That the NSW Government move towards restricting the sale of dogs and cats in pet shops to those sourced from pounds, shelters or rescue groups'<sup>209</sup>
- 'That in fulfilling its commitment to rebuild the NSW Pet Registry, the Office of Local Government act promptly to ensure that the Registry is well resourced and fit for purpose in collecting and retaining accurate and up-to-date information over the lifetime of all cats and dogs, and ensure proper traceability of animals and breeders to assist both the public and enforcement agencies to identify unethical breeders'.<sup>210</sup>

**2.96** While the Companion Animals Amendment (Puppy Farms) Bill 2021 lapsed prior to the state election, similar proposed amendments were reintroduced to the Legislative Council under the Companion Animals Amendment (Puppy Farms) Bill 2024, in May 2024.<sup>211</sup> The NSW Government also made an election commitment to end puppy farming.<sup>212</sup>

**2.97** A number of stakeholders gave evidence that backyard breeding specifically was the major cause for animals ending up in NSW pounds.<sup>213</sup> Ms Monika Biernacki, Founder, DoggieRescue, gave evidence that the 'key problem' was backyard breeding, observing that '[i]f we didn't have so many backyard breeders, we wouldn't have the intake into the pounds'.<sup>214</sup> Lawyers for Companion Animals emphasised that 'serious efforts need to be made to enforce the out-of-control backyard breeding of dogs'.<sup>215</sup>

<sup>206</sup> Parliament of New South Wales, *Companion Animals Amendment (Puppy Farms) Bill 2021*, <https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=3885>.

<sup>207</sup> NSW Legislative Council, *Select Committee on Puppy Farming* (2022) recommendation 2.

<sup>208</sup> NSW Legislative Council, *Select Committee on Puppy Farming* (2022) recommendation 12.

<sup>209</sup> NSW Legislative Council, *Select Committee on Puppy Farming* (2022) recommendation 14.

<sup>210</sup> NSW Legislative Council, *Select Committee on Puppy Farming* (2022) recommendation 10.

<sup>211</sup> Parliament of New South Wales, *Companion Animals Amendment (Puppy Farms) Bill 2024*, <https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=18433>.

<sup>212</sup> Evidence, The Hon. Tara Moriarty MLC, Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales, *Budget Estimates 2024-2025*, 27 August 2024, p 2 (Portfolio Committee No. 4 – Regional NSW).

<sup>213</sup> See for example, Submission 80, Pet Industry Association of Australia, p 2; Submission 126, Cat Protection Society of NSW, p 4; Submission 65, Australian Institute of Local Government Rangers, p 5; Evidence, Ms Biernacki, 14 November 2023, p 32; Submission 17, Name suppressed, p 1; Submission 91, Name suppressed, p 6.

<sup>214</sup> Evidence, Ms Biernacki, 14 November 2023, p 32.

<sup>215</sup> Submission 134, Lawyers for Companion Animals, p 4.

- 2.98** A number of inquiry participants recognised that the effectiveness of legislation prohibiting puppy farming and backyard breeding depends on its enforcement and compliance framework.<sup>216</sup> Tamworth Regional Council told the committee that '[i]t is too easy for a breeder to run a puppy farm by simply obtaining a breeder number online and using the same breeder number for multiple litters'.<sup>217</sup>

### **Microchipping and registration**

- 2.99** Some inquiry participants told the committee that microchipping and registration rates could be improved by simplifying the identification and registration process, permitting community cats to be registered to a corporation or organisation, and providing subsidies for registration fees.
- 2.100** Mr Damian Thomas, Director, Advocacy, Local Government NSW, outlined that simplifying the identification and registration process increases the chances of returning animals, and make it easier for people to update their information if circumstances change:

Simplifying the registry to make it easier for people to register their pets would increase the chances that those pets could be returned if they were impounded or held by a rehoming or rescue organisation. It would also be helpful to make it easier for people to update their own details in a more efficient way through the registry so that if their address changes or their contact details change they're more likely to be up to date and, again, the animal is more likely to be rehomed in a rapid manner.<sup>218</sup>

- 2.101** The NSW Government informed the committee that a new Pet Registry is currently under development, which will 'combine the functions of the CAR and the existing NSW Pet Registry'.<sup>219</sup> The government also noted that '[t]he new system will align with the current regulatory environment and respond to increased customer service expectations'.<sup>220</sup> Further, the government stated that the new registry will 'encourage responsible pet ownership through electronic communications to remind owners about registration payments, desexing, vaccinations and regular health checks for their pets'.<sup>221</sup>
- 2.102** Emeritus Professor Jacque Rand, Executive Director and Chief Scientist, Australian Pet Welfare Foundation, told the committee that it should be permissible for a business, animal welfare agency and welfare organisation to be listed on the microchip database.<sup>222</sup> For example, Professor Rand stated that in Queensland, as part of the RSPCA's program for desexing semi-owned cats, when such a cat is microchipped only a suburb is registered, and the Australian Pet Welfare Foundation is listed as the contact.<sup>223</sup>

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<sup>216</sup> Evidence, Ms Ward, 14 November 2023, pp 50-51.

<sup>217</sup> Submission 128, Tamworth Regional Council, p 6.

<sup>218</sup> Evidence, Mr Thomas, 15 December 2023, p 13.

<sup>219</sup> Submission 83, NSW Government, p 7.

<sup>220</sup> Submission 83, NSW Government, p 7.

<sup>221</sup> Submission 83, NSW Government, p 2.

<sup>222</sup> Evidence, Professor Rand, 14 November 2023, p 36.

<sup>223</sup> Evidence, Professor Rand, 14 November 2023, p 39.

- 2.103** Some inquiry participants called for support to be provided to people who are unable to afford registration fees. Mr Michael Ryan, President, Australian Institute of Local Government Rangers, told the committee that it may be worth considering going 'back a bit' and reducing the fee payable,<sup>224</sup> while Professor Rand noted research in North America has shown that it is cost effective to provide support for registration cost.<sup>225</sup>

### **Community education**

- 2.104** A number of inquiry participants highlighted the need for more community education, including around encouraging people to 'adopt, don't shop'.
- 2.105** For example, Local Government NSW proposed that 'the NSW Government commit to an ongoing, state-wide community awareness and education campaign'.<sup>226</sup> This was echoed by Campbelltown City Council, which called on the NSW Government to allocate dedicated funds to 'sustain ongoing education campaigns and community outreach programs centred on responsible pet ownership and desexing'.<sup>227</sup> The council further explained that this will 'empower local councils to execute effective initiatives while reducing dependency on registration revenue'.<sup>228</sup>
- 2.106** Similarly, Sutherland Shire Council Animal Shelter told the committee that there is a need for community education 'on the importance of responsible pet ownership, the benefits of desexing, and the consequences of abandoning cats, to encourage more responsible behaviour'.<sup>229</sup>
- 2.107** Ms Biernacki also advocated for increased community education on the benefits of desexing, particularly in rural areas, and a public campaign to encourage individuals to adopt rescue dogs rather than purchasing from a breeder:

We need to have more education on 'get a rescue dog, not a purebred dog'. It's sort of like stopping cigarette smoking: You've got to have campaigns, it's got to be across all the media platforms and it's got to be not socially acceptable to do.<sup>230</sup>

### **Animals for life strategies**

- 2.108** Finally, the committee heard evidence around the need for strategies to support people to dedicate to their animal for life.<sup>231</sup> For example, Professor Rand stated that punitive approaches to domestic animal management do not work and are not supported by evidence, and that

<sup>224</sup> Evidence, Mr Ryan, 14 November 2023, p 21.

<sup>225</sup> Evidence, Professor Rand, 14 November 2023, p 41.

<sup>226</sup> Submission 127, Local Government NSW, p 7.

<sup>227</sup> Submission 75, Campbelltown City Council, p 9.

<sup>228</sup> Submission 75, Campbelltown City Council, p 9.

<sup>229</sup> Submission 108, Sutherland Shire Council Animal Shelter, p 10.

<sup>230</sup> Evidence, Ms Biernacki, 14 November 2023, p 33.

<sup>231</sup> See for example, Evidence, Professor Rand, 14 November 2023, p 36; Submission 132, Australian Pet Welfare Foundation, pp 4, 26; Evidence, Dr Pollard Williams, 15 December 2023, p 25; Evidence, Ms Thompson, 15 December 2023, pp 37, 40; Evidence, Cr Moore, 14 November 2023, p 3.

support-based models, including Pets for Life strategies, have been shown to reduce pound intake, euthanasia rates and costs.<sup>232</sup>

**2.109** As summarised by the Australian Pet Welfare Foundation, Pets for Life strategies support individuals to keep their pets by providing assistance with:

- veterinary cost
- identification and registration
- secure dog fencing
- food
- advice on resolving or managing problematic behaviours
- payment plans for pound fines and fees.<sup>233</sup>

**2.110** On the issue of veterinary care, many inquiry participants called for greater support, specifically for those from low socioeconomic communities, to access veterinary care.<sup>234</sup> Professor Rand advised the committee that research conducted in North America has shown that instead of continuing to hold impounded animals, it is 'cost effective to help with veterinary cost'.<sup>235</sup> Additionally, Professor Rand noted that it is also better, from an animal welfare perspective, to return impounded animals to their families rather than continuing to hold them until fees are paid:

We don't wheel clamp cars, except in really critical areas, and wait until you pay the parking fine. Let's get those dogs back because they may not do well in a shelter situation, be euthanised for behaviour, and it has cost the pound a whole lot of money to hold them. It just doesn't make sense.<sup>236</sup>

**2.111** Additionally, the Australian Pet Welfare Foundation called on the NSW Government to implement a Veticare system to 'provide accessible veterinary care to disadvantaged pet owners'.<sup>237</sup> The Australian Pet Welfare Foundation noted that this would also reduce the number of animals entering NSW pounds by assisting 'many low-income families and seniors' to access essential veterinary care for their pets.<sup>238</sup> The Australian Pet Welfare Foundation advised the committee that this strategy would also 'protect veterinarians and pound staff from the adverse mental health impacts of financial euthanasia due to clients who cannot afford veterinary care for their pet'.<sup>239</sup>

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<sup>232</sup> Evidence, Professor Rand, 14 November 2023, p 36.

<sup>233</sup> Submission 132, Australian Pet Welfare Foundation, p 4.

<sup>234</sup> See for example, Evidence, Professor Rand, 14 November 2023, pp 41-42; Evidence, Cr Moore, 14 November 2023, p 3; Submission 56, Sydney Dogs & Cats Home, p 10; Submission 132, Australian Pet Welfare Foundation, p 9.

<sup>235</sup> Evidence, Professor Rand, 14 November 2023, p 41.

<sup>236</sup> Evidence, Professor Rand, 14 November 2023, p 41.

<sup>237</sup> Submission 132, Australian Pet Welfare Foundation, p 26.

<sup>238</sup> Submission 132, Australian Pet Welfare Foundation, p 26.

<sup>239</sup> Submission 132, Australian Pet Welfare Foundation, p 26.

**2.112** Inquiry participants also emphasised the importance of ensuring that subsidised vet care is funded by the government and does not involve cost-shifting to veterinary practitioners.<sup>240</sup> As stated by Dr Gemma Ma, Project Manager, Keeping Cats Safe at Home, and Community Veterinarian, RSPCA NSW, vets shouldn't be providing subsidies out of their own profits:

... it's really important that vets aren't subsidising this work. They're private businesses; they have to be making money. They're very enthusiastic about doing this work, but they shouldn't be subsidising it out of their own profits.<sup>241</sup>

**2.113** Inquiry participants also noted the need to support people to keep their pets by providing more protection for renters. The Australian Pet Welfare Foundation, Sentient, The Veterinary Institute of Animal Ethics and the NSW Young Lawyers Animal Law Sub-Committee all called for reform of rental laws to make them animal-friendly, noting that this would have a positive impact on surrender rates.<sup>242</sup>

**2.114** The Australian Pet Welfare Foundation stated that in respect to any rental reforms regarding animals, the onus should be on the landlord to apply to the Tribunal if they want to refuse an animal.<sup>243</sup>

**2.115** This position was also supported by the NSW Young Lawyers Animal Law Sub-Committee:

[...] the Sub-Committee supports a model whereby a landlord can only deny a prospective tenant's request to keep a pet if they obtain a Tribunal order allowing them to do so, similar to the model that applies in Victoria, the Australian Capital Territory, and the Northern Territory. Evidence suggests that such changes have the potential to reduce the number of pets that are surrendered due to their owners relocating; in 2019, prior to relevant legislative amendments in Victoria, 13.2% of animals were surrendered to the Victorian RSPCA due [to] rental reasons - this figure dropped to 9.5% in 2021.<sup>244</sup>

## Committee comment

**2.116** The evidence before the committee highlighted that there continues to be a large number of animals entering NSW pounds.

**2.117** The committee recognises that there are various factors contributing to this, which are crucial to understand and address if we are to improve the situation facing pounds in New South Wales, which is considered in detail in chapter 3.

<sup>240</sup> See for example, Evidence, Dr Elliott, 15 December 2023, p 29; Evidence, Dr Ma, 14 November 2023, p 60.

<sup>241</sup> Evidence, Dr Ma, 14 November 2023, p 60.

<sup>242</sup> Submission 132, Australian Pet Welfare Foundation, p 57; Submission 81, Sentient, The Veterinary Institute of Animal Ethics, p 8, Submission 133, NSW Young Lawyers Animal Law Sub-Committee, pp 13-14.

<sup>243</sup> Submission 132, Australian Pet Welfare Foundation, pp 10, 56.

<sup>244</sup> Submission 133, NSW Young Lawyers Animal Law Sub-Committee, p 13.



- 2.118** In relation to desexing, the committee agrees that action must be taken to address the overpopulation of companion animals in New South Wales due to a lack of desexing. However, we heard different views from stakeholders as to whether community-wide mandatory desexing laws are likely to be effective. The committee acknowledges that stakeholders who are in favour of mandatory desexing laws contend that this will effectively reduce the companion animal population. However, the committee also notes compelling evidence that mandatory desexing laws will have a disproportionate impact on low socioeconomic communities and does not address the chief reasons why many people do not desex their pets, which is access and affordability. The issue of whether pounds should be required to desex animals prior to adoption is discussed further in chapter 3.
- 2.119** The committee also recognises that the veterinary shortage makes mandatory desexing near impossible at this point in time, and that strategies to address the veterinary shortage must be a priority before such laws can be considered. The impact of the vet shortage is also discussed in chapter 3.
- 2.120** The committee is of the view that targeted desexing strategies, funded by the NSW Government, would be the most appropriate method to address the overpopulation of companion animals in New South Wales. Therefore, the committee recommends that the NSW Government provide grants to councils and rescue and rehoming organisations to carry out large scale targeted desexing programs across the state, with a specific focus on disadvantaged communities and areas with large homeless cat populations.

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**Recommendation 1**

That the NSW Government provide grants to councils and rescue and rehoming organisations to carry out large scale targeted desexing programs across the state, including community cat desexing programs, with a specific focus on disadvantaged communities and areas with large homeless cat populations.

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- 2.121** The committee was concerned by evidence that community or 'semi-owned' cats were often not able to be desexed due to the requirement they be microchipped and registered to an individual. The committee recognises the important work undertaken by volunteer community cat carers. Ensuring these animals receive ongoing feeding and care is advantageous, especially when pounds and rehoming organisations are overrun and unable to take in every animal.
- 2.122** The committee therefore recommends that the NSW Government review the need for reforms to ensure that community cats do not have to be microchipped and registered to an individual and can be microchipped and registered to an organisation, to remove this barrier to community cat desexing programs.

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**Recommendation 2**

That the NSW Government review the need for reforms to ensure that community cats do not have to be microchipped and registered to an individual, and can be microchipped and registered to an organisation.

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- 2.123** The committee was also concerned about the evidence of the legal 'grey area' surrounding Trap Neuter Release (TNR), and the negative impact this is having on the ability of pounds and rescue and rehoming organisations to undertake and fund TNR programs. The committee therefore recommends that the NSW Government seek to amend the POCTA Act to clarify that TNR programs are legal.

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### **Recommendation 3**

That the NSW Government seek to amend the *Prevention of Cruelty to Animals Act 1979* to clarify that Trap Neuter Release programs are legal.

- 2.124** The committee was particularly concerned to hear about the impact that the rising cost of living and the rental crisis is having on people with companion animals, with some people ultimately surrendering their animals. We also acknowledge the emotional impact this has had on individuals and families, as well as the vets and pound staff who care for surrendered animals. The committee agrees, based on the evidence, that more needs to be done to support people to keep their animals, thereby avoiding the need for these animals to enter the pound system in the first place. Based on the evidence, we believe this will be a crucial lever in driving down the number of animals entering the pound system in New South Wales.

- 2.125** Accordingly, to support individuals and families struggling to care for the animals they love, the committee recommends that the NSW Government further investigate the need to provide lower income earners with companion animals, specific funding and support, with a focus on evidence linking financial hardship to the surrendering of companion animals in pounds. Furthermore, the committee recommends that the NSW Government make funding available to assist lower income earners to pay for other general care services for animals including microchipping and registration fees, food, behavioural training, impoundment fees, secure fencing for containment and veterinary services, including desexing.

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### **Recommendation 4**

That the NSW Government further investigate the need to provide lower income earners with companion animals specific funding support, with a focus on the evidence linking financial hardship to the surrendering of companion animals in pounds, and make funding available to assist lower income earners to pay for:

- microchipping and registration fees
- food
- behavioural training
- impoundment fees
- secure containment
- veterinary services, including desexing.

- 2.126** On the issue of rental laws, we were shocked to hear that as many as one in five surrendered animals are surrendered because of the rental crisis and rental laws that are not animal friendly, with the impact felt particularly acutely among people leaving domestic violence or in unstable living situations. The committee urges the NSW Government to urgently introduce legislation to ensure tenants can rent with animals. We also note the evidence that, for these laws to work effectively for these vulnerable groups, the laws must put the onus on the landlord to apply to the tribunal if they want to refuse an animal.

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### **Recommendation 5**

That the NSW Government urgently introduce legislation to ensure tenants can rent with animals and to ensure these laws place the onus on the landlord to apply to the NSW Civil and Administrative Tribunal if they want to refuse an animal.

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- 2.127** The committee is troubled by the impact that puppy farming, backyard breeding and sales of animals in pet shops continue to have on the oversupply of companion animals. These practices must be addressed, not least because they are negatively impacting the number of animals entering NSW pounds. The committee is acutely aware that for every animal purchased from a puppy farm, pet shop or backyard breeder, there is one less home available for an animal from a pound or rehoming organisation.
- 2.128** In regards to puppy farming, there is no need to reinvent the wheel on this issue, which has already been investigated in detail by the Legislative Council Select Committee on Puppy Farming in New South Wales in its 2022 report. The NSW Government also made an election commitment to ban puppy farming. To address puppy farming, the committee therefore recommends that the NSW Government implement relevant recommendations set out in the Select Committee's report, including introducing legislation to ban puppy farming.

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### **Recommendation 6**

That the NSW Government implement relevant recommendations set out in the report of the Select Committee on Puppy Farming in New South Wales, including that the NSW Government:

- urgently introduce legislation on puppy and kitten farming in New South Wales
  - introduce a cap on the number of female breeding animals that a proprietor of a companion animal breeding business may have, lifetime litter limits for cats and dogs used for breeding and staff to animal ratios for companion animal breeding businesses
  - introduce a well-resourced breeder licensing scheme in New South Wales that contains robust licensing conditions for breeders
  - move towards restricting the sale of dogs and cats in pet shops to those sourced from pounds, shelters or rescue groups
  - ensure proper traceability of animals and breeders to assist both the public and enforcement agencies to identify unethical breeders
  - introduce an 'extended liability' scheme whereby breeders are responsible for congenital, genetic and/or other health issues that arise in the first year of an animal's life.
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- 2.129** The committee recognises that backyard breeding is a major contributor to the overpopulation of companion animals in New South Wales, with the evidence suggesting that it is a major cause of animals ending up in pounds. The committee acknowledges the difference between ethical breeders and backyard breeders. While the ban on puppy farming and introduction of a breeder licensing scheme (outlined above) will go some way in addressing irresponsible and excessive breeding, additional reforms are required to stamp out backyard breeding given the number of animals ending up in pounds because of this unregulated practice. Therefore, the committee recommends the NSW Government urgently introduce legislative reforms to address backyard breeding.

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**Recommendation 7**

That the NSW Government urgently introduce legislative reforms to address backyard breeding.

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- 2.130** The committee also believes that there is a need for greater community awareness around responsible care for companion animals and promoting the 'adopt, don't shop' message. The committee therefore recommends that the NSW Government roll out an ongoing public education campaign in this regard.

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**Recommendation 8**

That the NSW Government roll out an ongoing public education campaign encouraging New South Wales residents to 'adopt, don't shop' and further educational programs about the lifetime care needs of companion animals.

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- 2.131** In relation to pet registration, the committee notes that a new Pet Registry is currently under development by the government, bringing together the functions of the Companion Animals Register and the existing NSW Pet Registry. The NSW Government says the new Pet Registry will improve and simplify the process for registering companion animals. However, the committee notes stakeholders have raised significant concerns about the fees and processes associated with the NSW Pet Registry which remain outstanding, including the 'annual permit fee' charged for cats desexed after four months old.
- 2.132** While the committee is very supportive of cat desexing, we note the evidence that this 'annual permit fee' is causing an unintended consequence of disincentivising the adoption (and microchipping and registration) of older community cats who may not come into care until after they are four months old. The committee therefore recommends that the NSW Government remove the 'annual permit fee' for cats, to remove this barrier to adopting, microchipping and registering community cats.

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**Recommendation 9**

That the NSW Government remove the 'annual permit fee' for undesexed cats over 4 months old, to remove this barrier to adopting, microchipping and registering community cats.

- 2.133** The committee also notes the evidence we received about community confusion around the 'two-step' microchip and registration system, which is resulting in animals not being registered on the NSW Pet Registry and causing difficulties in reuniting lost animals in pounds with their families.
- 2.134** The committee is also concerned by evidence received that increases in registration and microchipping costs are correlated with increases in euthanasia rates. The committee believes that these fees need to be reviewed with a view to reducing or abolishing them entirely, particularly given costs associated with keeping companion animals for life was an issue raised throughout this inquiry. Given this evidence, the committee believes it would be highly inappropriate to increase any of these fees.
- 2.135** The committee therefore recommends that the NSW Government review the fees and processes associated with the companion animal registration framework, with a view to reduce costs.
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**Recommendation 10**

That the NSW Government review the fees and processes associated with the companion animal registration framework, with a view to reduce costs.

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- 2.136** Notwithstanding the evidence highlighting the various drivers channelling animals into NSW pounds, it is clear that more robust data is needed to better understand these drivers and the causes underlying them, in order to strengthen and better target prevention strategies.
- 2.137** We therefore recommend that the NSW Government, in consultation with rescue and rehoming organisations and other key stakeholders, enhance and standardise annual reporting of pound data to the Office of Local Government, including by requiring council pounds to collect and report on the reasons for animal surrenders.
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**Recommendation 11**

That the NSW Government, in consultation with the rescue and rehoming organisations and other key stakeholders, enhance and standardise annual reporting of pound data to the Office of Local Government, including by requiring council pounds to collect and report on the reasons for animal surrenders.

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- 2.138** Finally, we note that throughout this inquiry, the committee received a significant volume of evidence relating to the management of the growing community cat population in New South Wales, with arguments for and against mandatory cat containment laws. The committee notes with concern the increased costs to councils associated with the implementation and enforcement of punitive cat containment laws, and how such laws may impact an already over-stretched pound system. We make no specific recommendation at this time but note that the Legislative Council's Animal Welfare Committee has resolved to hold a standalone inquiry into the management of cats which will consider this issue further.
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## Chapter 3 Animal welfare – Improving conditions in NSW pounds and ending unnecessary killing of animals

This chapter contains an analysis of the conditions in NSW pounds. It begins by examining the resourcing constraints reported by local councils, before considering conditions in pounds and the impact they have on the wellbeing of impounded animals. Next, this chapter examines euthanasia rates in NSW pounds and identifies key factors that increase the likelihood of impounded animals being euthanised. The chapter goes on to look at the over-reliance of council pounds on rescue and rehoming organisations, as well as the impact of the pound system on veterinary services. Finally, this chapter considers strategies to improve conditions and outcomes for companion animals in NSW pounds.

### Resourcing challenges for pounds

- 3.1** Over the course of the inquiry, inquiry participants told the committee that many local councils are struggling to find the resources necessary to establish and maintain pound infrastructure and services.<sup>245</sup> A lack of resources has also impacted the ability of council pounds to provide adequate care for impounded animals, manage intake, and rehome animals.<sup>246</sup>
- 3.2** Funding for council pounds is generally derived from council rates, fees and service charges.<sup>247</sup> Three additional sources of revenue are available to assist councils to fund the cost of companion animals, including:
- Payments from the Companion Animals Fund: When companion animals are registered, registration fees are paid into the Companion Animals Fund. The NSW Government provides councils with payments from this fund for the management and control of companion animals, including funding pound facilities and ranger services. In the 2021-22 financial year, \$8,271,976 was paid to councils from the fund, which equates to approximately 80 per cent of total registration fees collected.<sup>248</sup> The amount received by councils can vary wildly. For example, while Blacktown City Council reported receiving

<sup>245</sup> See for example, Evidence, Cr Darrica Turley AM, President, Local Government NSW, 15 December 2023, p 11; Evidence, Mr Damian Thomas, Director, Advocacy, Local Government NSW, 15 December 2023, p 12; Evidence, Mr Jim Baldwin, Director Planning and Environment, Campbelltown City Council, 14 November 2023, p 2; Evidence, Mr Leon Marskell, Manager City Standards and Compliance, Campbelltown City Council, 14 November 2023, pp 7-8; Submission 13, Eurobodalla Shire Council, p 1.

<sup>246</sup> See for example, Evidence, Mr Thomas, 15 December 2023, pp 12, 13-14; Submission 58, Animal Services Australasia, p 5; Submission 66, Council Unites for Pets Reference Group, p 1; Submission 79, PetRescue, p 2; Submission 127, Local Government NSW, p 6; Evidence, Mrs Melissa Penn, General Manager, Sydney Dogs & Cats Home, 14 November 2023, pp 24-25.

<sup>247</sup> Submission 83, NSW Government, pp 1, 8.

<sup>248</sup> Submission 83, NSW Government, p 8.

\$360,000 from the Companion Animals Funds in the 2022-23 financial year,<sup>249</sup> other councils are reported to receive less than \$29 per quarter.<sup>250</sup>

- Charges on the release of seized animals: This fee may be charged by council pounds before a council will consider releasing the animal. Councils have the ability to determine the fee payable, and may also use their discretion to waive it.<sup>251</sup>
- Revenue from enforcement action: Councils can take enforcement action for breaches of the *Companion Animals Act 1998* and 'can retain any fine revenue'.<sup>252</sup> They are also empowered to issue Penalty Infringement Notices (or on the spot fines).<sup>253</sup>

**3.3** Several local councils told the committee that the revenue available to fund council pounds is not enough to cover operational costs, including costs necessary to provide care and treatment for impounded animals. For example:

- Camden Council, Campbelltown City Council and Wollondilly Council told the committee that 'the available funding for pound operations often falls short of the required resources to adequately address the needs of abandoned or stray animals'.<sup>254</sup> Additionally, they stated that this shortfall has 'far-reaching' consequences, 'not only for the animals but also the quality of services provided and the work health and safety of pound staff'.<sup>255</sup>
- Dubbo Regional Council stated that the operational cost of running Dubbo City Animal Shelter was approximately \$500,000 in the 2022-23 financial year.<sup>256</sup> The council advised that its '[o]perational costs were over budget ... due to increased staffing levels', and explained that staffing levels were increased as the shelter was 'operating at or near capacity for the majority of the year'.<sup>257</sup>
- Campbelltown City Council gave evidence that the operational expenses for the Campbelltown Animal Care Facility, over the last six years, 'has averaged close to \$1.3 million per year'. The council further advised that 'corresponding revenue has averaged around \$475,000', resulting in an 'annual shortfall exceeding \$800,000 per annum'.<sup>258</sup>

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<sup>249</sup> Submission 136, Blacktown City Council, p 2.

<sup>250</sup> Evidence, Mr Brett Whitworth, Deputy Secretary, Local Government, Department of Planning and Environment, *Budget Estimates 2023-2024*, 10 November 2023, p 63 (Portfolio Committee No. 8 – Customer Service).

<sup>251</sup> Submission 83, NSW Government, p 8

<sup>252</sup> Submission 83, NSW Government, pp 8-9.

<sup>253</sup> Submission 83, NSW Government, p 9.

<sup>254</sup> Submission 78, Camden Council Campbelltown City Council, Wollondilly Council, p 1.

<sup>255</sup> Submission 78, Camden Council Campbelltown City Council, Wollondilly Council, p 1.

<sup>256</sup> Submission 54, Dubbo Regional Council, p 2.

<sup>257</sup> Submission 54, Dubbo Regional Council, p 2.

<sup>258</sup> Submission 75, Campbelltown City Council, p 2

- Blacktown City Council informed the committee that the operational cost for Blacktown Animal Rehoming Centre is in the vicinity of \$4 million per annum.<sup>259</sup> The council noted that while ongoing revenue is received under the Companion Animals Fund, in the 2022-23 financial year, the council only received \$360,000.<sup>260</sup>

**3.4** This was reflected in the evidence from Councillor Darriea Turley AM, President, Local Government NSW, who noted a funding gap and called on the NSW Government to invest in council pounds:

The major challenge facing local government, underpinning everything that councils do, is the financial sustainability. I appreciate this is not an inquiry about financial sustainability, but the resourcing of councils is central to the capability and performance of pounds and animal-rehoming centres. ... Local Government NSW commissioned a report into cost shifting, released last month ... For the management of companion animals, the report estimated a total cost shift onto New South Wales councils of \$29.6 billion for 2021-22. This is a cost of providing functions under the *Companion Animals Act* above and beyond the fees and subsidies councils are able to collect. Councils need additional support to bridge this funding gap.<sup>261</sup>

**3.5** Local Government NSW also noted that these resourcing constraints are further compounded by the fact that many council pounds in NSW are operating at or near capacity, or overcapacity, 'while they wait for animals to be collected from their owners or rehoming organisations'.<sup>262</sup>

**3.6** Notably, even councils that have recently opened new pound facilities are experiencing capacity issues. For example, Mr Kerry Robinson OAM, Chief Executive Officer, Blacktown City Council, advised the committee that 'literally' from day one, Blacktown Animal Rehoming Centre (BARC) has been 'full if not oversubscribed'.<sup>263</sup> This is despite the fact that BARC has nearly double the capacity of its former pound facility.<sup>264</sup> Blacktown City Council advised that because the new facility is at 150 per cent capacity, the council has been 'forced to give away animals for free and not enforce impounding reclaim fees on owners'.<sup>265</sup>

**3.7** A number of inquiry participants gave evidence about the impact of the amendments to the *Companion Animals Act 1998* brought about by the *Companion Animals Amendment (Rehoming Animals) Act 2022*.<sup>266</sup> These amendments require councils to take proactive steps to try and

<sup>259</sup> Submission 136, Blacktown City Council, p 2.

<sup>260</sup> Submission 136, Blacktown City Council, p 2.

<sup>261</sup> Evidence, Cr Turley, 15 December 2023, p 11.

<sup>262</sup> Submission 127, Local Government NSW, p 6. See also, Submission 108, Sutherland Shire Council Animal Shelter, p 5; Submission 54, Dubbo Regional Council, p 2; Evidence, Ms Helen Eyre, Manager Environmental Compliance, Dubbo Regional Council, 14 November 2023, p 10; Evidence, Mr Kerry Robinson OAM, Chief Executive Officer, Blacktown City Council, 14 November 2023, p 9; Submission 136, Blacktown City Council, p 2.

<sup>263</sup> Evidence, Mr Robinson, 14 November 2023, p 9.

<sup>264</sup> Evidence, Mr Robinson, 14 November 2023, p 9.

<sup>265</sup> Submission 136, Blacktown City Council, p 2.

<sup>266</sup> See for example, Evidence, Mr Thomas, 15 December 2023, pp 13-14; Submission 54, Dubbo Regional Council, p 4; Submission 55, Liverpool Plains Shire Council, p 3; Submission 65, Australian Institute of Local Government Rangers, p 3; Submission 70, Wollongong City Council, p 1; Submission 77, Narrabri Shire Council, p 2.



rehome animals, including giving written notice to two rehoming organisations and taking reasonable steps to advertise the animal online or via social media.<sup>267</sup>

- 3.8** Ms Gina Vereker, Director Liveable Communities, Tamworth Regional Council, was 'fully supportive' of the amendments and noted that this had a positive impact, not only on euthanasia rates but on the mental health of staff in council pounds:

For Tamworth, this has led to a lot of positive changes. It has reduced euthanasia rates and enhanced our reputation. The image for the pound— which we now call the Companion Animals Centre—has really made a difference with our community. It has improved mental health. I heard that mentioned earlier. There has been improved mental health for staff, because they are now focused on rehoming and rescuing instead of complying with a minimum period and then getting rid of the animals as soon as possible by way of euthanasia.<sup>268</sup>

- 3.9** The committee further heard that while these amendments improve 'rehoming outcomes for impounded companion animals by standardising the rehoming process and creating a consistent approach across all NSW councils',<sup>269</sup> longer stays for animals in pounds bring with them cost implications. For example, Wollongong City Council highlighted that its operational costs have increased significantly following the rehoming amendments to the *Companion Animals Act*.

... since the introduction of the additional measures contained within the Companion Animal Rehoming Bill in 2021, Council has an increased operational cost of \$135K per annum. This represents an increased cost of approximately \$1.5M over the life of an average service contract. Whilst Council is supportive of the need to make every attempt to rehome all suitable animals, this increased cost is significant and represents a 20% increase to current annual costs.<sup>270</sup>

- 3.10** Along similar lines, Mr Damian Thomas, Director, Advocacy, Local Government NSW, told the committee that while Local Government NSW supports the intention of the 2022 amendments, additional funding and resources are necessary to assist both rehoming organisations and council pounds 'to hold those animals for a longer period of time, rehabilitate if needed and provide behavioural assessments and training that's needed to support them being rehomed'.<sup>271</sup>

- 3.11** The committee also heard that some local councils are experiencing resourcing challenges following RSPCA NSW's decision to stop providing impounding services on their behalf.<sup>272</sup> For example, Blue Mountains City Council advised the committee that this decision has left them with an 'almost insurmountable resourcing challenge'.<sup>273</sup>

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<sup>267</sup> *Companion Animals Act 1998* (NSW) ss 64A, 64B.

<sup>268</sup> Evidence, Ms Gina Vereker, Director Liveable Communities, Tamworth Regional Council, 14 November 2023, p 10.

<sup>269</sup> Submission 83, NSW Government, p 11.

<sup>270</sup> Submission 70, Wollongong City Council, p 1.

<sup>271</sup> Evidence, Mr Thomas, 15 December 2023, p 13.

<sup>272</sup> Submission 127, Local Government NSW, pp 6-7.

<sup>273</sup> Submission 22, Blue Mountains City Council, p 2.

**3.12** Mr Troy Wilkie, Senior Government Relations Manager, RSPCA NSW, gave evidence as to why RSPCA NSW has made the decision to move away from operating pounds on behalf of councils:

Many councils have benefited from RSPCA subsidising their pound operations for decades and want to continue that, and I completely understand why they want that to continue. But I can't look our supporters in the eye and tell them that it's more important for their donation to go and subsidise a council that brings in more than \$100 million a year in annual revenue rather than have that dollar spent on prevention programs or spent rehabilitating an animal that's been treated cruelly and been exposed to severe neglect. To support all 128 councils across the State, better use of our donations is expanding prevention programs and community programs we already run. And while it's a difficult decision, it means that our organisation can prioritise the animals most in need.<sup>274</sup>

**3.13** In addition to financial constraints, inquiry participants told the committee about some of the staffing challenges encountered in NSW pounds. Some councils noted that they have high turnover rates,<sup>275</sup> and some shared their concerns about the decline in volunteering.<sup>276</sup> Additionally, many councils advised the committee that there is a shortage of appropriately trained staff.<sup>277</sup>

**3.14** In relation to the mental health and wellbeing of pound staff, Mr Leon Marskell, Manager City Standards and Compliance, Campbelltown City Council, gave evidence that:

In relation to the staff at the pound and the impact on them at the moment, we are seeing that there has been a high impact on the mental health and wellbeing of our staff managing the huge numbers of influx into our facilities. The numbers of animals with poor health, not maintained by their owners and merely pushed out on the street or abandoned and ending up in our facilities, has been heartbreaking.<sup>278</sup>

**3.15** Emeritus Professor Jacquie Rand, Executive Director and Chief Scientist, Australian Pet Welfare Foundation, further gave evidence that '[k]illing healthy cats and kittens in shelters and pounds has a devastating effect on the mental health of veterinarians and staff involved'.<sup>279</sup>

**3.16** Resourcing challenges in NSW pounds have also been impacted by the veterinary shortage in NSW. In their joint submission, Camden Council, Campbelltown City Council and Wollondilly Shire Council told the committee that the vet shortage 'is significantly hindering the ability [of council pounds] to provide adequate, timely care and services' for impounded animals.<sup>280</sup>

<sup>274</sup> Evidence, Mr Troy Wilkie, Senior Government Relations Manager, RSPCA NSW, 14 November 2023, p 55.

<sup>275</sup> Submission 22, Blue Mountains City Council, p 4.

<sup>276</sup> See for example, Submission 128, Tamworth Regional Council, p 4; Evidence, Cr Clover Moore AO, Lord Mayor, City of Sydney, 14 November 2023, p 2.

<sup>277</sup> Submission 127, Local Government NSW, p 13; Evidence, Ms Vereker, 14 November 2023, p 11.

<sup>278</sup> Evidence, Mr Marskell, 14 November 2023, p 5.

<sup>279</sup> Evidence, Emeritus Professor Jacquie Rand, Executive Director & Chief Scientist, Australian Pet Welfare Foundation, 14 November 2023, p 37.

<sup>280</sup> Submission 78, Camden Council, Campbelltown City Council and Wollondilly Shire Council, p 2.

- 3.17 Portfolio Committee No. 4 – Regional NSW acknowledged in its *Veterinary workforce shortage in New South Wales* report that the veterinary shortage has impacted animal welfare in NSW pounds, stating that 'pounds are struggling to provide veterinary care to impounded animals'.<sup>281</sup>

### **Specific resourcing challenges in regional, rural and remote LGAs**

- 3.18 In addition to the broad resourcing challenges facing pounds across NSW, stakeholders highlighted the specific resourcing challenges faced in regional, rural and remote areas.
- 3.19 For example, the committee heard that regional and rural council pounds are less likely to have access to an onsite vet or qualified behavioural specialist.<sup>282</sup> Liverpool Plains Shire Council informed the committee that as 'a rural [c]ouncil, it is unlikely that ... a professional [behaviouralist] would be willing to travel from other centres at no cost'.<sup>283</sup> A lack of access to a vet or behavioural specialist can impact a pound's ability to conduct reliable behavioural assessments. Such assessments are examined later in this chapter.
- 3.20 On the issue of rehoming, which affects how long animals stay in a pound, Tamworth Regional Council stated that 'regional and rural [c]ouncils often face greater rehoming challenges due to the type of animals (working dogs), the quantity of animals presenting to pounds and the resources available'.<sup>284</sup>
- 3.21 Dubbo Regional Council similarly noted issues with rehoming impounded animals, explaining that most rescue organisations do not travel out to Dubbo or further west.<sup>285</sup> Ms Helen Eyre, Manager Environmental Compliance, Dubbo Regional Council, detailed that only a small number of rescue organisations respond to written notifications from the Dubbo Regional Council when an animal is available for rehoming:

Out of the 100-odd that are on the Office of Local Government site that are eligible or approved rehoming rescues, we've reached out to every single one of them and we probably get a 10 per cent call back from them, and of those, one or two might be able to assist us on the odd occasion.<sup>286</sup>

- 3.22 However, other witnesses such as Sydney Dogs & Cats Home, advised the committee that 'demand for rescue services far outweighs the available resources', with 'rescue groups often inundated with requests that surpass their ability to respond adequately'.<sup>287</sup>

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<sup>281</sup> Portfolio Committee No. 4 – Regional NSW, NSW Legislative Council, *Veterinary workforce shortage in New South Wales* (2024), p 102.

<sup>282</sup> See for example, Submission 53, Albury City Council, p 4; Evidence, Ms Eyre, 14 November 2023, p 10; Evidence, Ms Vereker, 14 November 2023, p 11; Submission 55, Liverpool Plains Shire Council, p 5.

<sup>283</sup> Submission 55, Liverpool Plains Shire Council, p 5.

<sup>284</sup> Submission 128, Tamworth Regional Council, p 6.

<sup>285</sup> Evidence, Ms Eyre, 14 November 2023, p 10.

<sup>286</sup> Evidence, Ms Eyre, 14 November 2023, p 10.

<sup>287</sup> Answer to questions on notice, Sydney Dogs & Cats Home, 30 November 2023, p 1.

**3.23** Some regional councils also reported that, in addition to not having an onsite vet, there is a shortage of external vets available in their local area. For example, the City of Coffs Harbour noted that even though they are a 'relatively large regional center', procuring and retaining qualified vets at their local veterinary practices has been 'extremely difficult'.<sup>288</sup> The City of Coffs Harbour added that this has been a 'significant driver of costs particularly in relation to the holding, management and rehoming of animals'.

**3.24** Further to this, Animal Care Australia commented that 'veterinary treatment can be harder to access in regional/rural/remote areas resulting in longer delays and increased opportunity for a decline in welfare'.<sup>289</sup> In this regard, Portfolio Committee No. 4 – Regional NSW's *Veterinary workforce shortage in New South Wales* report recommended 'That the NSW Government advocate for the Australian Government to trial incentives, including waiving HECS debt, to attract and retain veterinarians in New South Wales, and particularly in rural and in regional areas'.<sup>290</sup>

#### **Case study: Regional councils**<sup>291</sup>

To better understand the issues facing regional pounds, in July 2024 the committee visited council pounds in Orange, Bathurst and Cowra.

The visits highlighted that, while regional pounds experienced similar challenges to their counterparts in metropolitan Sydney, their location gave rise to some additional pressures, including challenges around capacity, information deficits and staffing.

#### Backyard breeding and low awareness of registration requirements

The first pound the committee visited, Orange City Pound, is a \$1.5 million facility officially opened in 2021. It provides insulated kennels for 32 dogs and 18 cages for cats, as well as 4 undercover kennels at the front of the facility for dogs that are dropped off out of hours. The pound is equipped with:

- an isolation room for sick pets to prevent the spread of disease
- a veterinarian room
- a cat room separate from where the dogs are kept
- a hydro-bath
- grassed exercise yards.

Consistent with all of the pounds the committee visited, staff at Orange City Pound told the committee there was a general lack of awareness amongst the community and breeders of their legal responsibilities, including the need to register their animals as well as microchip them, and update their details when needed. This leads to challenges tracing families of lost or surrendered pets, with attendant impacts on capacity. In regional areas the problem is compounded by the fact that there are more breeders and that hunting dogs and working dog crosses are more common. However, farmers are

<sup>288</sup> Submission 135, City of Coffs Harbour, p 1.

<sup>289</sup> Submission 82, Animal Care Australia, p 9.

<sup>290</sup> Portfolio Committee No. 4 – Regional NSW, NSW Legislative Council, *Veterinary workforce shortage in New South Wales* (2024), recommendation 16.

<sup>291</sup> This case study is based on information provided to the committee during its regional site visit to Orange City Pound, Bathurst Animal Rehoming Centre, the former Bathurst Small Animal Pound, and Cowra Pound, and evidence provided during a public hearing, including: Evidence, Dr Alex Keough, Practice Owner, Lake Road Veterinary Hospital, 15 December 2023, pp 25, 28.

often not aware that they must microchip their dogs, and pounds find it difficult to rehome larger breeds, so turnover is slower and shelter capacity reduced.

For smaller pounds like the pound operated by Cowra Council, staff explained that a lack of funding makes it difficult for them to educate people on their obligations around registration and microchipping, leading to a similar influx of unregistered animals. Staff also said they did not have the funding to microchip and desex every animal that comes into their care, however they do microchip and collar all cats and vaccinate all animals.

#### Capacity issues

The Bathurst Animal Rehoming Centre is a new \$3.9 million facility that opened in early 2024. A significant upgrade from Bathurst's former small animal pound (which the committee also visited), the new centre provides 42 kennels for dogs, 20 condos for cats, and an adoption pavilion. Kennels have heat pads on the floor, while condos are elevated and ventilated.

Staff explained that, although it only opened this year, the centre is already facing capacity issues and has had to accommodate many more dogs than anticipated, with the separate quarantine facilities being used for overflow. Staff also lamented that, in the past, people had abandoned animals at the pound by throwing them over the pound fence, leaving them tied to the fence or leaving newborns in the drop-off cages. These staff explained that in their experience, animals will be dumped at the pound regardless of whether it is open, so the centre continues to provide drop-off cages to offer a modicum of protection, even though this effectively makes it easier to dump animals. Staff expressed concern that they have no idea what they'll find when they turn up to work, with dangerous animals sometimes being left, or multiple animals of different species in the same pen.

Capacity challenges were also exacerbated by animals being brought in from adjacent local government areas, with staff at Orange City Pound reporting that they have had to decline requests from people in neighbouring local government areas whose own local pound might operate on more restricted hours or refuse to take in animals.

#### Impacts on staffing

Staff at each regional council pound relayed that finding and keeping suitable staff was an ongoing challenge. Staff at Bathurst said that even though they were open seven days a week from 7.30 am to 5.00 pm, some in the community expected the pound to be staffed 24 hours a day. Orange pound staff remarked that resourcing at peak times, such as over the Christmas period, was challenging due to fewer staff being available. Staff also reported (and the committee observed first-hand) that the constant noise from barking, stressed dogs presents an ongoing challenge.

Staff at all three pounds explained that the pressure of unrelenting high demand for pound services; the circumstances in which animals come into pounds; the imperative for staff to find suitable new homes for the animals; and the prospect of euthanising healthy animals if they fail to do so, makes being a pound worker a persistently stressful job. Bathurst employees told the committee that many people who reluctantly surrender their animals feel they have no other option, due to being unable to find an animal-friendly rental when obliged to move house; or when moving into aged care; or in circumstances of domestic violence. These staff also observed that people who lived on the street had no capacity to pay impounding fees when their animal was picked up, but that animal might be their sole companion.

These challenges were echoed in evidence from the owner of Lake Road Veterinary Hospital near Wagga Wagga, who told the committee that in 2023 they received 73 animals from police in situations of domestic violence or houselessness. That was on top of the 922 orphaned, stray and seized animals, as well as surrendered animals that the hospital rehomed. In order to support staff mental health, the

hospital has had to close several days a week, and has called in psychiatrists and psychologists to assist. The community backlash to reductions in hours has been so severe some staff no longer feel comfortable wearing their uniform in town.

## Conditions in NSW pounds

**3.25** Throughout this inquiry, participants shared their assessments of the conditions in NSW pounds, highlighting that where conditions were poor, this will have a detrimental impact on the animals' welfare. Poor conditions can have a significant negative impact on the physical and mental wellbeing of the animals. This, in turn, can have a detrimental impact on the health and mental wellbeing of animals which can impact their chance of being rehomed and contribute to increased rates of euthanasia, as well as impacting the safety of pound staff. These issues are explored further below.

### Adequacy of pound buildings and facilities

**3.26** Inquiry participants told the committee that due to a lack of resources and robust standards for pound facilities and services, conditions in council pounds vary greatly.<sup>292</sup> Concerns raised in this regard included the adequacy of housing, bedding, exercise, enrichment and health care, as well as pound design and the adequacy of the Boarding Code, as detailed below.<sup>293</sup>

### *Inadequate housing, bedding, exercise, enrichment and health care*

**3.27** In relation to the standards of accommodation for animals at NSW pounds, the committee was told that outdated buildings and facilities are not equipped to adequately accommodate the large number of animals entering NSW pounds and, consequently, many council pounds are overcapacity and overcrowded.<sup>294</sup> This has led to inadequate housing, bedding, exercise, enrichment and health care for impounded animals.

**3.28** Several inquiry participants described poor housing and bedding arrangements in NSW pounds,<sup>295</sup> with Ms Lisa Ryan, Regional Campaigns Manager, Animal Liberation telling the committee:

<sup>292</sup> See for example, Submission 122, Animal Welfare League, p 9; Submission 131, RSPCA NSW, p 2; Submission 58, Animal Services Australasia, p 5; Submission 82, Animal Care Australia, p 9; Submission 117, DoggieRescue, p 1; Submission 16, Ms Jan O'Leary, p 2.

<sup>293</sup> See for example, Submission 66, Council Unites for Pets Reference Group, p 6; Submission 58, Animal Services Australasia, p 6; Submission 78, Camden Council, Campbelltown City Council, Wollondilly Shire Council, p 2; Submission 122, Animal Welfare League NSW, pp 9-10.

<sup>294</sup> Submission 66, Council Unites for Pets Reference Group, pp 2, 3; Submission 56, Sydney Dogs & Cats Home, p 3; Submission 85, Penrith City Council, p 2.

<sup>295</sup> See for example, Submission 60, German Shepherd Rescue New South Wales, p 2; Evidence, Ms Lisa Ryan, Regional Campaigns Manager, Animal Liberation, 14 November 2023, p 38; Portfolio Committee No. 8, Inquiry into pounds in New South Wales, *Online questionnaire report*, pp 4, 5, 6.

Predominantly, the issues are appalling infrastructure. In saying that, that is not an over-exaggeration. I have been in a number of puppy factories around Australia, and some of the pounds I have been into have been significantly worse.<sup>296</sup>

**3.29** Some participants noted that impounded animals are often housed close to one another, which creates a very stressful environment.<sup>297</sup> The Cat Protection Society of NSW reported that many pound facilities house cats and dogs in close proximity to one another and highlighted that this 'is stressful for both species'.<sup>298</sup> In doing so, the Cat Protection Society of NSW emphasised that cats and dogs 'should not be able to see, hear or smell each other'.<sup>299</sup>

**3.30** Some inquiry participants told the committee that animals may be housed in small pens and forced to sleep on concrete floors.<sup>300</sup> The committee also heard that some pounds rely on volunteers to donate food, bedding and blankets.<sup>301</sup> One submitter also told the committee that some councils have rejected donations from volunteers:

Housing can be bare concrete floors with no bedding provided at all. Many have some type of basic bed of boards or hessian or canvas without any soft bedding. The reason often given for not providing soft bedding or not even allowing volunteers to provide soft bedding is the fact it needs to be washed.<sup>302</sup>

**3.31** Sydney Dogs & Cats Home raised specific concern about pounds relying on donations for food:

Providing adequate and balanced nutrition is crucial for the health and well-being of animals in pounds. However, budget constraints can limit the quality and quantity of food available to the animals, leading to potential malnutrition and health issues. Relying on members of [the] public to donate food is problematic not only due to the inconsistency of supply but also because providing animals with numerous brands of food readily leads to gastrointestinal upset.<sup>303</sup>

**3.32** A respondent to the committee's online questionnaire described the bedding, temperature control, and lighting available at their local pound, noting that such accommodation is not appropriate for extreme weather conditions, particularly during winter and summer:

I live in an extremely cold area and the animals are kept in concrete cages, with a simple elevated bed. Some are given a coat in winter but there are no blankets and no heating. Most nights in winter it is -10 degrees. During the day the cages would be lucky to get above 5 or 6 degrees as there is inadequate lighting and access to sunlight. The opposite is true in summer and the blistering heat where animals suffer through alone.<sup>304</sup>

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<sup>296</sup> Evidence, Ms Ryan, 14 November 2023, p 38.

<sup>297</sup> Submission 126, Cat Protection Society of NSW, p 3; Submission 60, German Shepherd Rescue New South Wales, p 1.

<sup>298</sup> Submission 126, Cat Protection Society of NSW, p 3.

<sup>299</sup> Submission 126, Cat Protection Society of NSW, p 3.

<sup>300</sup> Submission 60, German Shepherd Rescue New South Wales, p 2; Submission 91, Name suppressed, p 1; Submission 115, Susie Header, p 3.

<sup>301</sup> Submission 91, Name suppressed, p 1; Submission 65, Australian Institute of Local Government Rangers, p 3; Submission 51, Edward River Council, p 1.

<sup>302</sup> Submission 115, Susie Header, p 3.

<sup>303</sup> Submission 56, Sydney Dogs & Cats Home, p 3.

<sup>304</sup> Portfolio Committee No. 8, Inquiry into pounds in New South Wales, *Online questionnaire report*, p 6.

- 3.33** Some participants also expressed concern in relation to the location of pound facilities. The committee was told that there are some pound facilities, often in regional and rural areas, that are located within tip sites or water treatment plants.<sup>305</sup> Ms Melissa Souter, President, Inner City Strays, stated that having a pound facility next to a tip does not meet public expectations.<sup>306</sup> Additionally, Animal Liberation NSW said that locating a pound next to a tip 'serves as a convenience' for pounds to dispose 'impounded animals who are killed, or those who die in the pound'.<sup>307</sup>
- 3.34** It was also noted that some pound facilities are run out of vet clinics. For example, the committee visited Rossmore Vet Clinic, which is the pound facility for three councils: Camden, Liverpool and Canterbury Bankstown. While this veterinary clinic was supposed to be a temporary solution for the councils, the vet clinic has been running the pound services for these local councils now for many years.
- 3.35** Another housing concern was the use of drop boxes, particularly in regional and rural areas. The committee saw some drop boxes during its regional site visit, and was told that they are used for animals that are surrendered at a pound out of hours. One submitter advised the committee that the use of drop boxes on 'the side of the road in country areas disregards all notions of animal welfare'.<sup>308</sup>
- 3.36** The committee was also told that many facilities have inadequate, and in some cases no space for impounded animals to exercise freely and safely.<sup>309</sup> Animal Liberation NSW told the committee that despite 'extensive communications' with a particular rural pound, the council is yet to provide an exercise yard for impounded dogs and puppies.<sup>310</sup>
- 3.37** In addition to a lack of exercise, impounded animals receive minimal enrichment opportunities, with the Australian Pet Welfare Foundation stating:
- In many pounds, cats and dogs are kept in inhumane conditions in small cages and housed individually with no to minimal enrichment which is shown to worsen behaviour over time, making them less adoptable.<sup>311</sup>
- 3.38** Additionally, one respondent to the committee's online questionnaire said that 'impounded animals are left to fend for themselves and are not given toys and have little access to play time together or time out in the sunshine'.<sup>312</sup>

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<sup>305</sup> Submission 123, Animal Liberation NSW, p 15.

<sup>306</sup> Evidence, Ms Melissa Souter, President, Inner City Strays, 14 November 2023, p 26.

<sup>307</sup> Submission 123, Animal Liberation NSW, p 15.

<sup>308</sup> Submission 16, Ms Jan O'Leary, p 2.

<sup>309</sup> See for example, Submission 123, Animal Liberation NSW, pp 15, 32, 34, Submission 60, German Shepherd Rescue New South Wales, p 1; Submission 66, Council Unites for Pets Reference Group, pp 2-3, 6, 7; Submission 75, Campbelltown City Council, pp 5, 6; Submission 81, Sentient, The Veterinary Institute of Animal Ethics, p 4; Submission 122, Animal Welfare League NSW, p 10.

<sup>310</sup> Submission 123, Animal Liberation NSW, p 32.

<sup>311</sup> Submission 132, Australian Pet Welfare Foundation, p 19.

<sup>312</sup> Portfolio Committee No. 8, Inquiry into pounds in New South Wales, *Online questionnaire report*, p 6.



- 3.39** The committee heard that opportunities for exercise and enrichment may be limited due to a lack of resources.<sup>313</sup> Animal Welfare League NSW stated that '[i]n many areas there is neither adequate staff or the space to provide the enrichment and exercise required to provide adequate levels of animal welfare'.<sup>314</sup> Additionally, Councillor Clover Moore AO, Lord Mayor, City of Sydney, advised that the decline in volunteering has 'significantly impacted the level of care provided to animals' specifically in relation to exercise, enrichment and socialisation, 'which is vital if they are to be adopted'.<sup>315</sup>
- 3.40** The committee also heard that in some council pounds, impounded animals are not being vaccinated upon arrival, and pound facilities are not routinely cleaned.<sup>316</sup> For example, Animal Liberation NSW, informed the committee that many pounds 'don't have adequate hygiene systems [and] ... [v]ery few vaccinate on intake'.<sup>317</sup>
- 3.41** The committee also received evidence that some NSW pounds do not have separate quarantine facilities.<sup>318</sup>
- 3.42** Dubbo Regional Council gave evidence that its pound facility is sub-standard, and this has resulted in regular disease outbreaks:

The current shelter is a sub-standard, ageing asset that is well overdue for renewal. In a period of constrained budgets and competing community priorities, higher maintenance needs have over stretched available funding necessary to maintain the facility to a desired standard. The result manifests in more regular outbreak of disease within the shelter.<sup>319</sup>

- 3.43** Other stakeholders, such as Pound Rescue Incorporated, raised particular concerns about the failure of many council pounds to vaccinate against parvovirus:

Parvo virus a contagious disease, which is particularly deadly to puppies, and which results in a dog suffering a horrible death, is prevalent right across NSW. This is well known. Yet outside of Sydney, impounded animals are rarely vaccinated against parvo virus ... Apart from the suffering of the animals, the cost of a pound vaccinating young dogs, at least, against parvo virus is miniscule compared to the cost to rescue organisations and the community in trying to save the lives of the dogs. Rescue organisations are self-funded; we raise funds from the community to pay vet fees and bring animals back to health when they suffer these horrific diseases.<sup>320</sup>

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<sup>313</sup> See for example, Submission 60, German Shepherd Rescue New South Wales, p 2; Evidence, Cr Moore, 14 November 2023, p 2; Evidence, Mrs Penn, 14 November 2023, pp 24-25; Submission 122, Animal Welfare League NSW, p 10.

<sup>314</sup> Submission 122, Animal Welfare League NSW, p 10.

<sup>315</sup> Evidence, Cr Moore, 14 November 2023, p 2.

<sup>316</sup> See for example, Evidence, Ms Souter, 14 November 2023, p 26; Evidence, Ms Ryan, 14 November 2023, pp 38, 42; Submission 123, Animal Liberation NSW, p 16; Submission 115, Susie Header, p 2.

<sup>317</sup> Submission 123, Animal Liberation NSW, p 16.

<sup>318</sup> Submission 115, Susie Header, p 2.

<sup>319</sup> Submission 54, Dubbo Regional Council, p 1.

<sup>320</sup> Submission 100, Pound Rescue Incorporated, p 1.

- 3.44** In this regard, the committee was also told that there are a number of reasons why councils may not be vaccinating animals on arrival, including: limited resources (especially funding), a lack of access to vets, and lack of staff with qualifications to administer vaccinations, and in some cases, vaccine shortages.<sup>321</sup>
- 3.45** For example, Dubbo Regional Council gave evidence that, since it has started to vaccinate dogs against parvovirus on arrival, it has seen a reduction in euthanasia rates of dogs affected by parvovirus by 48 per cent. However, the Council noted this has come at an 'additional financial burden and at the expense of other operations'.<sup>322</sup>
- 3.46** The committee also received evidence that not all council pounds desex animals before they are adopted. The 2022 *Rehoming of Companion Animals in NSW* draft report found that, while most councils only rehome animals that are desexed, this is 'not universally the case' and it is 'not mandatory'.<sup>323</sup> Rescue organisations such as Happy Paws Haven gave evidence that they often collect animals from the pound that have not been desexed, and the cost to desex these animals is then borne by the rescue organisation.<sup>324</sup>

#### *Pound design and the adequacy of the Boarding Code*

- 3.47** Several inquiry participants argued that the Animal Welfare Code of Practice No 5 – Dogs and cats in animal boarding establishments (Boarding Code) is not fit for purpose.<sup>325</sup> As noted in chapter 1, the Boarding Code was created in 1996. It purports to set standards in relation to appropriate housing for cats and dogs, staffing, hygiene, animal care and health care, staffing, diet, exercise, transport, manager responsibilities, and rehoming.<sup>326</sup> However, as noted in chapter 1, there are questions as to whether the Boarding Code is enforceable for council pounds.<sup>327</sup>
- 3.48** Ms Lisa Ryan, Regional Campaigns Manager, Animal Liberation, contended that the Boarding Code 'has never been fit for purpose', is not enforced, and that as a result, 'animals continue to fall through the cracks'.<sup>328</sup>

<sup>321</sup> See for example, Evidence, Ms Kristina Vesk OAM, Chief Executive Officer, Cat Protection Society of NSW, 15 December 2023, p 17; Evidence, Ms Monika Biernacki OAM, Founder, Chief Executive Officer, DoggieRescue, 14 November 2023, p 31; Evidence, Mrs Kristy Forrest, Animal Shelter Coordinator, Dubbo City Animal Shelter, 14 November 2023, pp 14, 15.

<sup>322</sup> Submission 54, Dubbo Regional Council, p 3.

<sup>323</sup> Centre for International Economics, *Rehoming of Companion Animals in NSW (draft report)*, September 2022, p 66 [https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report\\_NSW-OLG\\_Rehoming-of-Companion-Animals-in-NSW.pdf](https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report_NSW-OLG_Rehoming-of-Companion-Animals-in-NSW.pdf).

<sup>324</sup> Submission 20, Happy Paws Haven, p 4.

<sup>325</sup> See for example, Evidence, Ms Ryan, 14 November 2023, pp 36, 42; Evidence, Tara Ward, Volunteer Managing Solicitor, Animal Defenders Office, 14 November 2023, p 52; Submission 65, Australian Institute of Local Government Rangers, p 4.

<sup>326</sup> Submission 83, NSW Government, p 12.

<sup>327</sup> Submission 131, RSPCA NSW, p 6.

<sup>328</sup> Evidence, Ms Ryan, 14 November 2023, pp 36, 42.

- 3.49** The Australian Institute of Local Government Rangers (AILGR) expressed the view that NSW pounds are 'designed and maintained to reflect minimum holding requirements ... and find themselves with inadequate and aged facilities for the keeping of animals for extended periods of time'.<sup>329</sup> AILGR further stated that there is a lack of realistic guidelines or standards available to guide pound design and 'drive improvements'.<sup>330</sup>
- 3.50** The Australian Institute of Animal Management was also critical of the Boarding Code, stating that it 'fall[s] short' when compared to other standards such as the Association of Shelter Veterinarians' Guidelines for Standards of Care in Animal Shelter.<sup>331</sup>
- 3.51** However, Mr Brett Whitworth, Deputy Secretary, Office of Local Government, Department of Planning and Environment, disputed that there was no guidance available to support the design of council pound facilities, arguing that the Boarding Code was a suitable starting point.<sup>332</sup>
- 3.52** Nonetheless, recognising developments in animal welfare science, Dr Anne Quain, Committee Member, Australian Veterinary Association New South Wales Division, emphasised the importance of ensuring that standards of care provided to animals in NSW pounds provides positive welfare and aligns with community expectations:
- It's no longer acceptable just to provide neutral welfare or freedom from bad things or freedom from negative affective states or emotional states. There's an expectation by the community that we provide positive welfare to animals. They are sentient beings. We know they have feelings that matter. It's important that that is recognised and we allow them to lead lives that are not just neutral but worth living.<sup>333</sup>
- 3.53** The Australian Veterinary Association submitted that a veterinarian should be engaged to advise on design requirements for animal pounds, and provided a detailed list of guidelines, including:
- 'Pens should be constructed to house up to two adult animals as a maximum, even at peak usage.
  - Housing design should ensure that the animals' health, welfare, physiological, behavioural, and social needs are met.
  - All pens should be secure against accidental escape. Ideally, there should be a second barrier between the enclosure area and the outside environment.
  - Pens should be designed to reduce transmission of disease, taking into consideration ventilation, air flow, cleaning and other factors relating to hygiene and potential for disease spread.
  - 'Drop-off' boxes for animals after hours need to be adequately monitored to prevent injured animals being deposited, or animals sustaining injury in temporary housing, with subsequent delays in treatment that would negatively affect that animal's welfare.

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<sup>329</sup> Submission 65, Australian Institute of Local Government Rangers, p 4.

<sup>330</sup> Submission 65, Australian Institute of Local Government Rangers, p 4.

<sup>331</sup> Submission 120, Australian Institute of Animal Management, pp 10, 11.

<sup>332</sup> Evidence, Mr Whitworth, 15 December 2023, p 3.

<sup>333</sup> Evidence, Dr Anne Quain, Committee Members, Australian Veterinary Association New South Wales Division, 14 November 2023, p 48.

- The building and individual cages and runs should be constructed of impervious material with a rounded contour at the wall–floor junction to facilitate cleaning and disinfection.
- The following facilities also should be provided:
  - heating and cooling that are appropriate for the needs of the animal
  - hot and cold running water
  - appropriate air quality, ventilation, lighting, and noise control
  - facilities for sanitary disposal of animal wastes, cadavers, food scraps and similar material, with a regular pick-up of such waste from the facility (at least three times per week)
  - facilities for feed storage for at least 5 days' supply of dry food feeding and stable drinking utensils that are either disposable or able to be disinfected.
  - four types of housing areas-general holding pens, quarantine pens, exercise areas and isolation pens
  - first-aid treatment area with:
    - table that can be disinfected
    - lighting and shelving
    - first-aid materials, including dressings and disinfectants to treat open wounds'.<sup>334</sup>

**3.54** Blacktown Animal Rehoming Centre opened in March 2023. The committee visited BARC as part of its Sydney site visit to better understand conditions in NSW pounds.

**Case study: Blacktown Animal Rehoming Centre**<sup>335</sup>

The Blacktown Animal Rehoming Centre (BARC) opened in March 2023 in Glendenning, Western Sydney. It is the largest facility of its type in the Southern Hemisphere and Australia's first custom-built council animal rehoming facility. BARC is the pound facility for seven councils: Canada Bay, Fairfield, Hunters Hill, Parramatta, Ryde, Willoughby and Woollahra.

Mr Kerry Robinson OAM, Chief Executive Officer of Blacktown City Council told the Committee about the absence of standards for pounds in NSW:

In going through the exercise for the design of BARC, because there are no standards everything needs to come from scratch and contemplate what future standards might be and try and facilitate flexibility in that. One of the things that we did do was send our designers and some council staff to the US to look at rehoming facilities on the west coast of the US. We did that because that's the largest area of philanthropy, in relation to animals, in the world. We brought back a lot of best practice from the US in relation to that.

<sup>334</sup> Submission 109, Australian Veterinary Association, p 4.

<sup>335</sup> This case study is based on is based on the content of the submission, the evidence provided during a public hearing and further information provided to the committee during the Sydney site visit, including: Submission 136, Blacktown City Council, pp 1-2; Evidence, Mr Robinson, 14 November 2023 pp 3-4, 6, 8, 9.

Blacktown City Council further noted that, due to the 'notable absence of a Code of Practice for Pounds and Shelters in NSW', it has relied on Victoria's Code of Practice to ensure minimum standards of accommodation, management and care.

Blacktown City Council invested \$36 million into the creation of BARC. The facility is supported by 26 staff, including a full-time vet and veterinary nurse, and a qualified animal behaviouralist. There is an onsite veterinary clinic that works with external veterinary hospitals and provides education and training for students at the Western Sydney University and Richmond TAFE.

BARC has the capacity to accommodate 135 dogs and 230 cats. However, the facility is already experiencing overcapacity due to the increasing number of animals entering the rehoming centre.

Blacktown City Council has also reported that it costs around \$4 million per annum to run the facility and noted that the operational costs 'far outweigh' the revenue they obtain through animal adoptions.

### Impact of pound environment on welfare and health

**3.55** The committee heard extensive evidence about how conditions in NSW pounds adversely impact the welfare and wellbeing of impounded animals. At a general level, Dr Rosemary Elliott, President, Sentient, The Veterinary Institute for Animal Ethics, told the committee that '[t]raditional pounds and shelters cannot meet the welfare needs of animals'.<sup>336</sup> Dr Elliott further advised the committee that the longer animals are impounded, 'the more likely they are to develop infectious diseases and behavioural problems and the less likely they are to be successfully rehomed'.<sup>337</sup>

**3.56** Additionally, Dr Elliott described the cruelty and neglect experienced by animals in some council pounds:

... there is evidence of both neglect and overt cruelty to animals in some council pounds. Examples include being underweight; kept in filthy, crowded conditions; suffering from untreated diseases and parasite burdens; harsh handling; and even being unlawfully shot by council officers.<sup>338</sup>

**3.57** Inquiry participants told the committee that an animal's immediate environment has a direct impact on their behaviour.<sup>339</sup> More specifically, the committee was told that the pound environment is particularly stressful for animals and can trigger negative emotions such as fear, frustration, anxiety and confusion.<sup>340</sup> This in turn can lead to behaviours such as excessive barking, barrier aggression, self-mutilation, pacing, redirected bites, hissing, growling, striking

<sup>336</sup> Evidence, Dr Rosemary Elliott, President, Sentient, The Veterinary Institute for Animal Ethics, 15 December 2023, p 24.

<sup>337</sup> Evidence, Dr Elliott, 15 December 2023, p 24.

<sup>338</sup> Evidence, Dr Elliott, 15 December 2023, p 24.

<sup>339</sup> See for example, Evidence, Dr Sarah Pollard Williams, Veterinary Surgeon, 15 December 2023, p 25; Evidence, Dr Diana Rayment, BanSci PhD, Program Specialist, PetRescue, 15 December 2023, p 22; Evidence, Dr Zachary Lederhose, President, Australian Veterinary Association New South Wales Division, 14 November 2023, p 48; Evidence, Dr Quain, 14 November 2023, p 48.

<sup>340</sup> See for example, Evidence, Dr Pollard Williams, 15 December 2023, p 25; Submission 100, Pound Rescue Incorporated, p 5; Submission 136, Blacktown City Council, p 3.

or hiding.<sup>341</sup> This further creates a dangerous working environment for pound staff, particularly if they do not have adequate training in animal management and animal behaviour.<sup>342</sup>

**3.58** The impact of the pound environment on animal behaviour was raised by many inquiry participants as a key issue, particularly when also considered in the context of behavioural assessments conducted in NSW pounds.<sup>343</sup> Behavioural assessments evaluate an animal's temperament to determine if it is suitable for rehoming.<sup>344</sup> RSCPA NSW gave evidence that 'the main reason for canine euthanasia in pounds is reported to be that the dog is behaviourally unsuitable'.<sup>345</sup>

**3.59** The committee heard that the stressful nature of the pound environment makes it difficult to conduct reliable behavioural assessments to determine whether an animal can be rehomed. Dr Laura Taylor, Head of Animal Care, Sydney Dogs & Cats Home, told the committee that it is 'widely accepted' in the veterinary community that standardised behavioural assessments conducted in a pound environment, are ineffective and do not provide an accurate assessment of animals' behaviour.<sup>346</sup>

**3.60** This position was echoed by Dr Diana Rayment, BanSci PhD, Program Specialist, PetRescue, who expressed the unfairness of assessing an animal based on their behaviour in a stressful environment:

You are bringing an animal into care. You're putting it into conditions that we know will change behaviour significantly, and then we're making judgments on how that animal will respond out in a less stressful environment.<sup>347</sup>

**3.61** Similarly, Sentient, The Veterinary Institute of Animal Ethics, told the committee that while behavioural assessments can be 'theoretically' useful to determine suitability for rehoming, behavioural assessments conducted in the pound environment are 'inherently flawed', adversely impacted by the 'highly stressful' nature of the pound environment, and lack of appropriately trained staff.<sup>348</sup>

**3.62** There was some disagreement amongst inquiry participants around the use of standardised behavioural assessments. Local Government NSW advised the committee that '[c]ouncils would like to see standardisation applied to behavioural assessments, so that assessments are consistently applied and results are more reliable'.<sup>349</sup> However, other inquiry participants,

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<sup>341</sup> See for example, Submission 132, Australian Pet Welfare Foundation, pp 21, 38; Submission 131, RSPCA NSW, p 15; Submission 77, Narrabri Shire Council, pp 3, 4-5.

<sup>342</sup> Submission 127, Local Government NSW, p 17; Submission 56, Sydney Dogs & Cats Home, p 2; Submission 66, Council Unites for Pets Reference Group, pp 1, 2.

<sup>343</sup> See for example, Submission 131, RSPCA NSW, p 16; Submission 122, Animal Welfare League NSW, p 22; Evidence, Dr Rayment, 15 December 2023, p 22.

<sup>344</sup> Submission 122, Animal Welfare League NSW, p 22.

<sup>345</sup> Submission 131, RSPCA NSW, p 13.

<sup>346</sup> Evidence, Dr Laura Taylor, Head of Animal Care, Sydney Dogs & Cats Home, 14 November 2023, p 29.

<sup>347</sup> Evidence, Dr Rayment, 15 December 2023, p 22.

<sup>348</sup> Submission 81, Sentient, The Veterinary Institute of Animal Ethics, pp 10-11.

<sup>349</sup> Submission 127, Local Government NSW, p 14.

including RSPCA NSW advised that the evidence no longer supports the use of standardised behavioural assessments in the pound environment.<sup>350</sup> RSPCA NSW further stated that standardised behavioural assessments in the pound environment can lead to false negatives or false positives.<sup>351</sup>

- 3.63** The NSW Government also expressed the view that it is difficult to develop an 'objective behavioural assessment tool'.<sup>352</sup> The government explained that such a tool is 'difficult to develop because its implementation remains dependent upon the subjectivity of the assessor'. The 2022 *Rehoming of Companion Animals in NSW* draft report did not recommend the development of a standardised behaviour assessment tool, but recommended that the Office of Local Government support training programs for council staff in this area.<sup>353</sup>

### **Impact of pound environment on euthanasia**

- 3.64** Dr Anne Quain, Committee Member, Australian Veterinary Association New South Wales Division, explained in her evidence that 'euthanasia is a technical procedure – humane killing of animals ... it is killing in the interest of the animal'.<sup>354</sup> However, the committee heard that impounded animals are often killed for other reasons, including due to the pound being full or over capacity, financial reasons, inaccurate assessment of an animal's behaviour and their suitability for rehoming, and labelling animals as feral/infant.<sup>355</sup> Despite this, for ease of the report, the terms 'euthanasia' and 'killed' are both used below and throughout this report.
- 3.65** As outlined in the 2022 *Rehoming of Companion Animals* draft report, of the 44,000 cats and dogs that entered NSW council pounds in the 2020-21 financial year, 9 per cent of dogs and 32 per cent of cats were killed.<sup>356</sup>
- 3.66** The NSW Government outlined that euthanasia rates in NSW pounds and shelters have decreased significantly over the last decade or more. Specifically, the government advised that between 2012 and 2021 there was a 77 per cent reduction in the number of dogs killed in NSW pounds and shelters, and a 50 per cent reduction in the number of cats killed.<sup>357</sup> However, the NSW Government acknowledged that this rate remains high.<sup>358</sup>

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<sup>350</sup> Submission 131, RSPCA NSW, p 15.

<sup>351</sup> Submission 131, RSPCA NSW, p 16.

<sup>352</sup> Submission 83, NSW Government, pp 16-17.

<sup>353</sup> Centre for International Economics, *Rehoming of Companion Animals in NSW (draft report)*, September 2022, p 123.

<sup>354</sup> Evidence, Dr Quain, 14 November 2023, p 45.

<sup>355</sup> See for example, Evidence, Dr Elliott, 15 December 2023, p 24; Submission 133, NSW Young Lawyers Animal Law Sub-Committee, p 16; Evidence, Ms Nell Thompson, Coordinator, Getting 2 Zero, 15 December 2023, p 36; Submission 123, Animal Liberation NSW, p 18.

<sup>356</sup> Centre for International Economics, *Rehoming of Companion Animals in NSW (draft report)*, September 2022, p 26.

<sup>357</sup> Submission 83, NSW Government, p 15.

<sup>358</sup> Submission 83, NSW Government, p 15.

**3.67** Many stakeholders, including councils, acknowledge that the work of rescue and rehoming groups has been pivotal in reducing euthanasia rates. For example, Camden Council, Campbelltown City Council and Wollondilly Shire gave evidence that:

Many pounds have established transfer and rehoming programs with animal rescue organisations. These initiatives facilitate the movement of animals from pounds to rescue organisations, where they receive specialised care and have increased opportunities for adoption. These programs have proven successful in reducing euthanasia rates and increasing the number of animals finding loving homes.<sup>359</sup>

**3.68** A number of stakeholders shared concerns with the committee regarding the reasons why euthanasia is conducted in NSW pounds. For example, Ms Susie Hearder expressed her concerns about the reasons for euthanising animals that she has observed in NSW pounds:

[I]t is the reasons for killing that stands out the most. Reasons can be as trite as being timid, scared, a certain breed, called busy or active, jumps fences, lack of training and one dog had killed a guinea pig. Another beautiful dog was healthy when first in the pound and then developed blisters all over his mouth from the bleach used for cleaning, as the dogs weren't removed when the kennels were cleaned out. They killed him because he had blisters in his mouth. With the decisions being made by a pound keeper and the veterinarian the decision is often already made by the pound keeper. I have witnessed 3 separate pound keepers who hated certain breeds of dogs and therefore they were always killed.<sup>360</sup>

**3.69** The 2022 *Rehoming of Companion Animals in NSW* draft report noted that around half the dogs euthanised were Staffordshire bull terriers (including cross breeds), with other prominent breeds including Mastiffs, Kelpies and other terriers.<sup>361</sup> In relation to cats, the draft report noted that cats are more likely to be euthanised if they are:

- very young (and infant) or over 1 years old
- in regional or rural areas
- not desexed
- not microchipped
- dropped off or surrendered to the pound.<sup>362</sup>

**3.70** The draft report further noted that the main reason cited for euthanising dogs was behavioural, and the main reason for euthanising cats was that they were considered to be 'infant/feral'.<sup>363</sup>

<sup>359</sup> Submission 78, Camden Council, Campbelltown City Council and Wollondilly Shire Council, p 6.

<sup>360</sup> Submission 115, Susie Hearder, p 1.

<sup>361</sup> Centre for International Economics, *Rehoming of Companion Animals in NSW (draft report)*, September 2022, p 82.

<sup>362</sup> Centre for International Economics, *Rehoming of Companion Animals in NSW (draft report)*, September 2022, pp 4, 41-42.

<sup>363</sup> Centre for International Economics, *Rehoming of Companion Animals in NSW (draft report)*, September 2022, p 5.



- 3.71** In relation to cats, RSPCA NSW informed the committee that it is unlikely that pounds receive many so-called 'feral' cats, and expressed the view that cats may be incorrectly categorised as 'feral' when in fact they are just frightened upon entering the pound environment.

It is unlikely that pounds are receiving many feral cats if the term 'feral' is understood to be cats that have no relationship with or dependence on humans (neither direct nor indirect), and live and reproduce in the wild. It is very likely that most of the cats entering the pound are fearful ... and some may have low sociability to humans due to a combination of genetics and early learning. Understanding and determining the difference between feral, unsocialised and frightened, yet socialised, cats requires adequate education of pound staff.<sup>364</sup>

### **Occupational work health and safety issues**

- 3.72** Connected with the conditions experienced in NSW pounds, the committee heard concerns regarding the safety of pound staff. For example, Campbelltown City Council told the committee that 'high occupancy rates have placed us in a legislative quandary: prioritising either the safety of the animals or that of our staff'.<sup>365</sup> Campbelltown City Council also highlighted that 'inadequate funding is contributing to a deficiency in availability of vital resources and training needed to uphold a secure working environment for our pound staff'.<sup>366</sup>
- 3.73** In terms of specific safety risks, Mr Leon Marskell, Manager City Standards and Compliance, Campbelltown City Council, stated that 'council pounds are one of the highest risk areas in the country as far as lost time for injuries'.<sup>367</sup> This was echoed by Mr Troy McGlynn, Committee Member, Australian Institute of Local Government Rangers, who advised that management of companion animals is a 'very high-risk activity, certainly within a pound environment, as well as the seizure activities within the community'.<sup>368</sup> Mr McGlynn emphasised that this heightened risk 'obviously ... needs to be addressed, whether it is through the regulatory framework or adequate resourcing'.<sup>369</sup>
- 3.74** The committee also heard evidence about the mental health impacts on pound staff. For example, Tamworth Regional Council noted that most pound staff take on these jobs because they care about animals, and suffer 'significant stress, burnout, mental health trauma' when they have to 'kill cats and dogs for no reason other than they didn't have a home'.<sup>370</sup>

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<sup>364</sup> Submission 131, RSPCA NSW, pp 13-14.

<sup>365</sup> Submission 75, Campbelltown City Council, p 5.

<sup>366</sup> Submission 75, Campbelltown City Council, p 3.

<sup>367</sup> Evidence, Mr Marskell, Manager City Standards and Compliance, Campbelltown City Council, 14 November 2023, p 5.

<sup>368</sup> Evidence, Mr Troy McGlynn, Committee Member, Australian Institute of Local Government Rangers, 14 November 2023, p 20.

<sup>369</sup> Evidence, Mr McGlynn, 14 November 2023, p 20.

<sup>370</sup> Submission 128, Tamworth Regional Council, p 2.

## Impact of pound conditions on veterinary clinics and rehoming and rescue organisations

- 3.75** Another key theme coming through in the evidence was around the impact that conditions in NSW pounds are having on rehoming and rescue organisations, and how this intersects with veterinary services.

### Over-reliance on rehoming and rescue organisations

- 3.76** A number of inquiry participants told the committee that councils have become increasingly reliant on rehoming and rescue organisations. RSPCA NSW told the committee that data from the 2021 financial year demonstrates the level of dependence from pounds on rescue and welfare groups:

Data from financial year 2021 indicate that, annually, NSW council pounds transfer 6,751 dogs and 8,290 cats to other organisations for rehoming. This means approximately half as many animals are rehomed directly from pounds as are transferred out for rehoming by other organisations. This indicates the scale of the dependence on rescue and welfare groups to care for animals from pounds that are not reclaimed.<sup>371</sup>

- 3.77** Similarly, Inner City Strays told the committee that the overpopulation of animals surrendered to council pounds has meant that 'pounds rely heavily' on rescue organisations.<sup>372</sup>
- 3.78** The committee heard that this heavy reliance has resulted in many rescue and rehoming organisations experiencing capacity and resourcing challenges.
- 3.79** Ms Susie Header gave evidence of her experience regarding the reliance of pounds, particularly in rural and remote areas, on rescue and rehoming organisations:

The majority of NSW pounds are totally dependent on volunteer rescue organisations to rehome dogs and cats ... If you search social media you will see many groups dedicated to rescuing dogs and cats out of rural and remote pounds. They often ask for pledges to pay for transport and possibly towards desexing. These costs can sometimes be huge and the [public] are making donations towards these costs when the pounds themselves are not doing a thing to rehome the animals in their care. These animals are often being held in decrepit and outdated pounds which are not catering to the needs of the animals or volunteers. And the rescue groups are often told at the last minute that [an] animal needs to be saved or they will be killed the next day. These pounds are not doing what they are supposed to do and are literally using and abusing dedicated volunteers to do their work.<sup>373</sup>

- 3.80** As Animal Welfare League NSW put it, 'the more animals a [rehoming] organisation or rescue group takes in, the more money they lose'.<sup>374</sup> Animal Welfare League NSW added that rehoming

<sup>371</sup> Submission 131, RSPCA NSW, p 17.

<sup>372</sup> Submission 57, Inner City Strays, p 1.

<sup>373</sup> Submission 115, Susie Header, p 6.

<sup>374</sup> Submission 122, Animal Welfare League NSW, p 7.

organisations might be able to provide more support to local councils 'if they were fully paid for their rehoming services'.<sup>375</sup>

- 3.81** Inquiry participants also drew attention to high burnout rates among volunteers. Ms Monika Biernacki OAM, Founder, Chief Executive Officer, DoggieRescue, described at the hearing how rescue organisations feel pressure from pounds to take on more animals, and the impact this has on volunteers:

There's just a high burnout rate. It's exhausting; it's never-ending. You've always got the pounds pressuring you: Can you take this one? It's only this; it's only that. You want to do your best, but there's a limit. It's really, really difficult. It's since COVID. I've been in rescue more than 20 years—closer to 30—and I have never seen it the way it is now.<sup>376</sup>

- 3.82** From a regional council perspective, Tamworth Regional Council outlined that a local volunteer rescue organisation, which the council had relied upon to rehome impounded dogs, ended up closing its doors in September 2022, after 12 years. This was 'due to the lack of reliable volunteers and the owner's burnout leaving a gap of 22 dog pens and the only Tamworth town based boarding kennels'.<sup>377</sup> Additionally, the council noted that pound statistics in September 2022 'increased from 60 to 80 dogs per month entering the facility, i.e. 960 dogs annually in a Pound facility with only 15 pens'.<sup>378</sup>

- 3.83** Animal Liberation NSW was critical of NSW pounds' continued reliance on rescue organisations.<sup>379</sup> They told the committee that councils should be implementing 'meaningful proactive initiatives and doing what is their paid and publicly expected role', instead of offloading impounded animals to rescue organisations.<sup>380</sup>

- 3.84** In terms of funding, rescue and rehoming organisations largely rely on volunteers and donations. In 2023, the Office of Local Government administered the former government's Companion Animal Welfare Grants Package, which included a \$5 million competitive grant program to support companion animal care and rehoming organisations, providing up to \$100,000 per organisation.<sup>381</sup> This \$5 million grants package was not renewed in the 2024-25 Budget.<sup>382</sup>

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<sup>375</sup> Submission 122, Animal Welfare League NSW, p 7.

<sup>376</sup> Evidence, Ms Biernacki, 14 November 2023, p 32.

<sup>377</sup> Submission 128, Tamworth Regional Council, p 5.

<sup>378</sup> Submission 128, Tamworth Regional Council, p 5.

<sup>379</sup> Submission 123, Animal Liberation NSW, p 13.

<sup>380</sup> Submission 123, Animal Liberation NSW, p 13.

<sup>381</sup> Submission 83, NSW Government, p 10.

<sup>382</sup> Evidence, Mr Brett Whitworth, Deputy Secretary, Local Government, Office of Local Government, *Budget Estimates 2024-2025*, 5 September 2024, p 11 (Portfolio Committee No. 8 – Customer Service).

**Case study: Sydney Dogs & Cats Home<sup>383</sup>**

In April 2024, the committee visited Sydney Dogs & Cats Home, a charity pound that has been providing shelter, food, and vet care to lost, homeless and abandoned pets since 1946. While Sydney Dogs & Cats Home has dog kennels at Austral and a new fit-for-purpose shelter in Kurnell is under development, it was the veterinary clinic and cattery at Strathfield that the committee went to see.

Staff at Strathfield told the committee that Sydney Dogs & Cats Home services six councils and tries to rehome every healthy and treatable animal that comes through its doors. No time limit is imposed on any rehoming animal waiting to be adopted.

In addition to building the capacity of the many volunteers, Sydney Dogs & Cats Home delivers a range of community programs.

In terms of resourcing, Dr Laura Taylor, Head of Animal Care, Sydney Dogs & Cats Home informed the committee that Sydney Dogs & Cats Home has a 'fully equipped vet team' that assesses the health and wellbeing of impounded animals on a weekly basis. However, a lack of resources and funding creates challenges:

... these are things that we're prioritising within our small organisation to try and maintain the welfare of these animals and their quality of life, but we need funding and we need support with this stuff. Ultimately, within our minimal resources, we watch these animals decline, and we do get to a point where euthanasia is sometimes the only humane option. So increase of resources is what we desperately need, otherwise we can't maintain their quality of life while they're in our care.

Staff expressed to the committee that, with approximately 80 per cent of the population now having an animal, and shelters being swamped with animals, it is critical for the legislation to be robust, clear, enforceable by councils, and focused on preventing animals from entering pound facilities in the first place.

As part of the Companion Animal Welfare Grants Package, the NSW Government has provided Sydney Dogs & Cats Home with a \$12 million grant for the development of the new rehoming facility in Kurnell. The new rehoming centre will double Sydney Dogs & Cats Home's capacity, which will enable them to accept more impounded animals and reduce pressure on council pounds.

Originally, the new facility was scheduled for completion by the end of 2024. However, due to delays in working through the auspice agreement, the project is behind schedule, which has also increased the overall costs of the project. The project is now expected to be completed in mid-2025 as long as additional funding can be secured.

Sydney Dogs & Cats Home's website states that more funding is urgently needed to complete the build and uphold the health and wellbeing of companion animals:

By building a state-of-the-art shelter in Kurnell, we can help over 3,000 animals each year - more than double our current intake. ... We have the land and cornerstone funding from NSW Government to start the build. Now we urgently need \$8 million to complete the build to keep tails wagging, kittens purring and reunions happening.

<sup>383</sup> This case study is based on is based on the content of the submission, the evidence provided during a public hearing and further information provided to the committee during the Sydney site visit, including: Submission 56, Sydney Dogs & Cats Home, pp 2, 8, 9-10; Evidence, Mrs Penn, 14 November 2023, p 29; Evidence, Dr Taylor, 14 November 2023, p 25; Sydney Dogs & Cats Home, *Make Home Happen*, <<https://home.sydneydogsandcatshome.org/>>.

### Impact on veterinary clinics

- 3.85** In the context of the large number of animals entering NSW pounds, the committee heard that vets are also feeling the pressure as they are often a first port of call for these animals.
- 3.86** Dr Zachary Lederhose, President, Australian Veterinary Association New South Wales Division, explained that stray animals are often diverted to the vet, with a significant proportion of those later entering the pound system:
- We've heard that pounds are overwhelmed with the amount of stray animals coming in, but I think we need to realise that before an animal gets into the pound system or it sees a local council officer it has often been diverted by the vet practice that has seen the animal first. People will bring animals to us because we are convenient, because we are open, because we have a position of trust in society, which we really, really value and respect. And we are doing our best to reunite these animals as quickly as possible. We deal with at least one animal per day that is brought into us, and it is probably I would say half of those that end up going into the pound system.<sup>384</sup>
- 3.87** Dr Lederhose told the committee that after a stray animal is brought in, veterinary practices may struggle to contact councils to arrange for these animals to be collected. He also noted that some councils have refused to collect stray animals, particularly stray cats, and instead councils have advised vets 'to release stray animals, often onto busy streets'.<sup>385</sup> Dr Lederhose stated that such advice is 'contrary to animal welfare, the interests of the animal and the oath that we swear as vets in New South Wales'.<sup>386</sup>
- 3.88** Dr Lederhose also told the committee that as the 'first point of call' veterinary practices 'often bear the cost of housing and treating ... stray animals before council collects them, and sometimes for extended periods'.<sup>387</sup> He also noted that there are expectations from councils for vets to provide services at a discounted rate, which in the context of the increasing costs of veterinary services, is not sustainable.<sup>388</sup>
- 3.89** Along similar lines, Lake Road Veterinary Hospital told the committee that veterinary practices 'are increasingly facing the burden of not only treating but also housing and rehoming' animals in their care, which has led to 'excessive working hours' and has contributed to 'a growing mental health crisis within the profession'.<sup>389</sup> Lake Road Veterinary Hospital also commented that this situation is 'compounded by the expectation that veterinarians provide these services often without financial support'.<sup>390</sup>
- 3.90** From a council perspective, Albury City Council noted that the council's preference is for vets to 'accept stray animals ... in the first instance' as this will 'reduce the burden on Council rangers and assist more animals to go back to their owners rather than impounding'.<sup>391</sup>

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<sup>384</sup> Evidence, Dr Lederhose, 14 November 2023, p 45.

<sup>385</sup> Evidence, Dr Lederhose, 14 November 2023, p 44.

<sup>386</sup> Evidence, Dr Lederhose, 14 November 2023, p 44.

<sup>387</sup> Evidence, Dr Lederhose, 14 November 2023, p 44.

<sup>388</sup> Evidence, Dr Lederhose, 14 November 2023, p 45.

<sup>389</sup> Submission 93, Lake Road Veterinary Hospital, p 9.

<sup>390</sup> Submission 93, Lake Road Veterinary Hospital, p 9.

<sup>391</sup> Submission 53, Albury City Council, p 2.

- 3.91** The issue of councils not collecting stray animals from vets, was also identified in Portfolio Committee No. 4's *Veterinary workforce shortage in New South Wales* report.<sup>392</sup> To address this, the committee recommended, among other things, 'That the NSW Government consider amending the *Companion Animals Act 1998* to ensure local government authorities collect stray animals from licensed veterinary clinics'.<sup>393</sup>
- 3.92** The *Veterinary workforce shortage in New South Wales* report found that veterinarians are suffering mental stress and burnout, due to an interplay of factors, including moral and ethical challenges, particularly around the ending of life of healthy animals.<sup>394</sup>
- 3.93** On this issue, Dr Alex Keogh, Practice Owner, Lake Road Veterinary Hospital gave evidence that euthanising health animals was one of the 'main issues' impacting the mental health of vets, and noting it was 'emotionally distressing' for vets.<sup>395</sup>
- 3.94** Dr Sarah Pollard Williams, Veterinary Surgeon, gave evidence about a colleague's 'horrific experience of having to euthanise the 42 cats and kittens on one day', after having drawn the 'short straw [and] had to go to the pound'.<sup>396</sup>
- 3.95** Other inquiry participants also noted that burnout within the veterinary profession arises in the context of euthanasia, including where vets are asked to euthanise a group of animals, without any context for why they have been asked to conduct this procedure.<sup>397</sup>
- 3.96** Ms Nell Thompson, Coordinator, Getting 2 Zero, reflected on her time as a veterinary nurse and the mental health impact of euthanasia on staff:

I worked in emergency and critical care for some time and financially based euthanasia was an everyday occurrence—every day—which is obviously very distressing for the staff. We know one of the reasons that people are leaving that sector is mental health so it would definitely take the pressure off there.<sup>398</sup>

## Strategies for improving conditions in NSW pounds

- 3.97** Throughout this inquiry, stakeholders identified various solutions and strategies to improve conditions in NSW pounds. Notable strategies included:
- Increased funding for council pounds, and rescue and rehoming organisations
  - development of a new code of practice

<sup>392</sup> Portfolio Committee No. 4 – Regional NSW, NSW Legislative Council, *Veterinary workforce shortage in New South Wales* (2024), pp 19-20.

<sup>393</sup> Portfolio Committee No. 4 – Regional NSW, NSW Legislative Council, *Veterinary workforce shortage in New South Wales* (2024), recommendation 2.

<sup>394</sup> Portfolio Committee No. 4 – Regional NSW, NSW Legislative Council, *Veterinary workforce shortage in New South Wales* (2024), finding 10.

<sup>395</sup> Evidence, Dr Keogh, 15 December 2023, p 26.

<sup>396</sup> Evidence, Dr Pollard Williams, 15 December 2023, p 30.

<sup>397</sup> Evidence, Dr Quain, 14 November 2023, p 46; see also: Submission 132, Australian Pet Welfare Foundation, pp 29, 31, 32, 44.

<sup>398</sup> Evidence, Ms Thompson, 15 December 2023, p 36.

- strengthening oversight and enforcement
- upskilling the workforce and providing support for staff in council pounds
- strengthening foster care networks in NSW
- ending unnecessary killing of healthy animals.

### **Increased funding and transparency**

- 3.98** Many inquiry participants, particularly from the local council sector, told the committee that more funding is needed to improve facilities, conditions and outcomes in council pounds.<sup>399</sup> In doing so, inquiry participants emphasised the need for a state-led response.
- 3.99** Councillor Darriea Turley AM, President, Local Government NSW, called on the NSW Government to increase investment in council pounds.<sup>400</sup> Additionally, Mr Damian Thomas, Director, Advocacy, Local Government NSW told the committee that funding is needed to support council pounds and rehoming organisations to hold animals for longer periods of time.<sup>401</sup> Mr Thomas further stated that additional funding will support council pounds and rehoming organisations to rehabilitate companion animals, and 'provide behavioural assessments and training, to support them being rehomed'.<sup>402</sup>
- 3.100** Ms Gina Vereker, Director Liveable Communities, Tamworth Regional Council, echoed the call for increased funding, highlighting that this is needed to support a range of facilities and services:
- [...] what we need is funding—funding to deliver better designed pounds—newer, larger; funding for adequate staff with better qualifications; access to behavioural experts; and access to funding for desexing and vaccination programs because that is the only way we are going to address the problem.<sup>403</sup>
- 3.101** The committee also heard that additional funding should be provided specifically for pounds in regional and rural areas,<sup>404</sup> with Tamworth Regional Council telling the committee that funding allocations for council pounds should reflect the different circumstances in metropolitan, regional and rural councils.<sup>405</sup>

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<sup>399</sup> See for example, Evidence, Cr Moore, 14 November 2023, p 6; Evidence, Ms Vereker, 14 November 2023, p 10; Evidence, Ms Eyre, 14 November 2023, p 10 Evidence, Cr Turley, 15 December 2023, p 11; Submission 131, RSPCA NSW, p 2.

<sup>400</sup> Evidence, Cr Turley, 15 December 2023, p 15.

<sup>401</sup> Evidence, Mr Thomas, 15 December 2023, p 13.

<sup>402</sup> Evidence, Mr Thomas, 15 December 2023, p 13.

<sup>403</sup> Evidence, Ms Vereker, 14 November 2023, p 10.

<sup>404</sup> See for example, Evidence, Cr Moore, 14 November 2023, p 3; Submission 122, Animal Welfare League NSW, pp 9, 10.

<sup>405</sup> Submission 128, Tamworth Regional Council, p 6.

- 3.102** Another issue raised was around the need to better understand how state funding is utilised by local councils. Mr Michael Ryan, President, Australian Institute of Local Government Rangers, informed the committee that there is a need for greater transparency 'in financial reporting on companion animal management, specifically pound operations'.<sup>406</sup> Mr Troy McGlynn, Committee Member, Australian Institute of Local Government Rangers, further explained that while councils are required to 'report on their companion animal activities throughout the year', there is no visibility around 'how much money is actually spent on pound activities, on animal management'.<sup>407</sup> The Australian Institution of Local Government Rangers advised the committee that '[i]mproved transparency and a transformation of the companion animal funding model is necessary and vital to ensure robust and sustainable pounds across NSW'.<sup>408</sup>
- 3.103** Many inquiry participants also called for increased funding for rescue and rehoming organisations.<sup>409</sup> The Australian Pet Welfare Foundation advised the committee that:
- ... [a]nimal rescue organisations should receive funding to cover the cost of preventative care and veterinary care for the rescue animals they are rehoming or, councils should be required to ensure animals have received preventative care and veterinary care prior to transfer to the animal rescue organisation.<sup>410</sup>
- 3.104** The Australian Pet Welfare Foundation also argued that funding should be provided to rescue organisations to cover costs for desexing, microchipping and registration of animals being rehomed.<sup>411</sup>
- 3.105** Stakeholders such as Sentient, The Veterinary Institute of Animal Ethics, argued there was a need for an 'annual grants program for NSW not-for-profits, including self-funded and volunteer rescue, rehoming and advocacy organisations'.<sup>412</sup>

### **A code of practice for council pounds**

- 3.106** A number of inquiry participants called for the creation of a mandatory, enforceable code of practice for council pounds.<sup>413</sup>

<sup>406</sup> Evidence, Mr Michael Ryan, President, Australian Institute of Local Government Rangers, 14 November 2023, p 17.

<sup>407</sup> Evidence, Mr McGlynn, 14 November 2023, p 20.

<sup>408</sup> Submission 65, Australian Institute of Local Government Rangers, p 1.

<sup>409</sup> See for example, Evidence, Mr Thomas, 15 December 2023, p 13; Submission 132, Australian Pet Welfare Foundation, p 42; Submission 81, Sentient, The Veterinary Institute of Animal Ethics, p 14; Submission 123, Animal Liberation NSW, p 24; Evidence, Cr Moore, 14 November 2023, p 3.

<sup>410</sup> Submission 132, Australian Pet Welfare Foundation, p 42.

<sup>411</sup> Submission 132, Australian Pet Welfare Foundation, p 42.

<sup>412</sup> Submission 81, Sentient, The Veterinary Institute of Animal Ethics, p 14.

<sup>413</sup> See for example, Submission 6, Mr Charles Davis, pp 1, 2, 3; Submission 7, Ms Jan Kendall, pp 2, 6; Submission 80, Pet Industry Association of Australia, p 1; Evidence, Ms Ryan, 14 November 2023, p 42; Evidence, Ms Ward, 14 November 2023, p 50; Answers to questions on notice, Australian Veterinary Association, 14 November 2023, p 4.



- 3.107** The Australian Veterinary Association emphasised the importance of animals being housed in 'appropriate conditions that ensure their health and welfare, meeting the animals' physiological, behavioural and social needs'.<sup>414</sup> In order to help achieve this, Australian Veterinary Association called for the development of a new code of practice to ensure 'uniformity in the management and legislative controls that govern animal shelters and council pounds'.<sup>415</sup>
- 3.108** In terms of models for a new code of practice, stakeholders drew the committee's attention to:
- The 2014 re-draft of the *Animal Welfare Code of Practice No 5 – Dogs and cats in animal boarding establishments*, which the committee heard was not adopted. Ms Lisa Ryan, Regional Campaigns Manager, Animal Liberation, told the committee that while the 2014 draft could benefit from some 'tweaking', it 'was a really good draft ... and it got shelved'.<sup>416</sup>
  - The Victorian Code of Practice for the Management of Dogs and Cats in Shelters and Pounds.<sup>417</sup> Ms Rosalie Horton, Senior Coordinator, Blacktown Animal Rehoming Centre, Blacktown City Council, advised the committee that Blacktown Animal Rehoming Centre was designed in reference to Victorian Code of Practice. Ms Horton also noted that while there was some room for improvement, the Victorian Code of Practice is a good start.<sup>418</sup>
  - 'The Guidelines for Standards of Care in Animal Shelters' produced by the Association of Shelter Veterinarians in the United States.<sup>419</sup> As summarised by PetRescue, the Association of Shelter Veterinarians' Guidelines 'provide referenced, evidence-based recommendations for minimum and best practice short term (up to 14 days) care of animals in shelters'.<sup>420</sup> PetRescue recommended that the Association of Shelter Veterinarians' Guidelines be used to 'to guide recommendations and standards of care for animals in NSW municipal shelters'.<sup>421</sup>
  - The Australian Veterinary Association's 'Animal shelters and municipal pounds' policy, which the Australian Veterinary Association stated could be used to provide guidance for pound design and operations.<sup>422</sup>

### Strengthening oversight and enforcement

- 3.109** Another strategy identified by stakeholders to improve conditions in NSW pounds was around strengthening oversight and enforcement mechanisms.

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<sup>414</sup> Answers to questions on notice, Australian Veterinary Association, 14 November 2023, p 4.

<sup>415</sup> Answers to questions on notice, Australian Veterinary Association, 14 November 2023, p 4.

<sup>416</sup> Evidence, Ms Ryan, 14 November 2023, p 42.

<sup>417</sup> See for example, Submission 1, Name suppressed, p 1; Evidence, Ms Rosalie Horton, Senior Coordinator, Blacktown Animal Rehoming Centre, Blacktown City Council, 14 November 2023, p 6.

<sup>418</sup> Evidence, Ms Horton, 14 November 2023, p 6.

<sup>419</sup> See for example, Evidence, Professor Rand, 14 November 2023, p 43; Submission 79, PetRescue, pp 10-11; Submission 120, Australian Institute of Animal Management, p 10.

<sup>420</sup> Submission 79, PetRescue, pp 10-11.

<sup>421</sup> Submission 79, PetRescue, p 11.

<sup>422</sup> Answers to questions on notice, Australian Veterinary Association, 14 November 2023, p 4.

- 3.110** Animal Welfare League NSW argued that the current enforcement and compliance regime could be improved in a number of ways, such as by:
- 'Strengthening penalties for non-compliance ...
  - Establishing regular, unannounced inspections by regulatory bodies to monitor pound operations and animal welfare standards.
  - Providing dedicated resources and training for inspectors to ensure effective assessment and enforcement.
  - Enhancing transparency through public reporting of inspection findings and outcomes.
  - Facilitating collaboration between pounds, animal welfare organisations, and veterinary professionals to share best practices and address challenges'.<sup>423</sup>
- 3.111** Other inquiry participants too emphasised the importance of routine inspections and audits.<sup>424</sup> Sentient, The Veterinary Institute of Animal Ethics, advocated for unannounced inspections in council pounds conducted by 'independent auditors with animal welfare training'.<sup>425</sup> Similarly, Animal Liberation NSW called on the government to conduct 'comprehensive and independent audits' of all NSW pounds, which would include examining their impounding practices, procedures and policies, and euthanasia practices.<sup>426</sup>
- 3.112** Further to this, Campbelltown City Council outlined in detail the ways in which routine inspections and audits can improve standards of care for impounded animals:
- First, routine inspections and audits 'ensure compliance and verify that pounds are adhering to established standards and regulations', while also identifying areas for improvement or correction.
  - Second, routine inspections can be 'an opportunity for education and training for pound staff' through the sharing of best practice.
  - Third, regular audits 'create a system of accountability and continuous improvement for pound operators'.
  - Fourth, 'inspections often uncover issues that need attention' and councils are able to 'work with the assessor and staff to rectify them and ensure better care for the animals and working conditions for the people'.<sup>427</sup>
- 3.113** In terms of other improvements to the current regime, some inquiry participants called for enforcement mechanisms under the *Companion Animals Act* to be enhanced. Ms Tara Ward, Volunteer Managing Solicitor, Animal Defenders Office, told the committee that 'clearly there needs to be a greater focus on enforcement', particularly in regard to the new rehoming

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<sup>423</sup> Submission 122, Animal Welfare League NSW, p 12.

<sup>424</sup> See for example, Evidence, Ms Ryan, 14 November 2023, p 42; Submission 123, Animal Liberation NSW, p 49; Evidence, Dr Elliott, 15 December 2023, p 24; Submission 81, Sentient, The Veterinary Institute for Animal Ethics, pp 7, 14.

<sup>425</sup> Submission 81, Sentient, The Veterinary Institute of Animal Ethics, p 7.

<sup>426</sup> Submission 123, Animal Liberation NSW, p 49.

<sup>427</sup> Answers to questions on notice, Campbelltown City Council, 14 November 2023, p 1.

requirements set out under the *Companion Animals Act*.<sup>428</sup> Additionally, Ms Ward noted that enforcement may also need to be considered should the government decide to develop a new code of practice for pounds.<sup>429</sup>

**3.114** Ms Ward considered that the enforcement agencies may be 'best placed' to undertake this enforcement, but indicated there may be resourcing and capacity issues.<sup>430</sup>

**3.115** Animal Services Australasia also supported giving powers to the enforcement agencies to oversee and enforce the *Companion Animals Act*, stating that any legislation or standard 'is not a baseline if it is not regulated, especially when considering animal welfare standards'.<sup>431</sup>

### **Upskilling the workforce and support for staff in council pounds**

**3.116** Some inquiry participants told the committee of the need to upskill staff in council pounds. For example, Campbelltown City Council called for an investment 'in ongoing training and development programs for pound staff to enhance their skills and qualifications ... [which] will contribute to the provision of better care for the diverse needs of animals' in pounds.<sup>432</sup> Campbelltown City Council also recommended that funding be allocated 'for comprehensive training and development' to enhance staff competency, knowledge and practice in relation to occupational health and safety.<sup>433</sup>

**3.117** A number of stakeholders specifically emphasised the need for training about animal behaviour, including behavioural assessments. Animal Welfare League NSW recommended that all pounds should have 'access to trained animal behavioural specialists' and noted that this may require councils to provide training to existing pound staff or arrange access to an outsourced behaviouralist.<sup>434</sup>

**3.118** In terms of veterinary expertise, Dr Zachary Lederhose, President, Australian Veterinary Association, New South Wales Division, advised the committee 'it's vital for pounds to work with vet experts' when conducting behavioural assessments.<sup>435</sup> Dr Lederhose added that if 'non-vet staff are conducting behavioural assessments, their training needs to be comprehensive, regular and possibly linked to a certification scheme'. The need for more training around behavioural assessments was also recognised in the 2022 *Reboming of Companion Animals in NSW* draft report, which recommended that the Office of Local Government support training programs for council staff in this area.<sup>436</sup>

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<sup>428</sup> Evidence, Ms Ward, 14 November 2023, p 50.

<sup>429</sup> Evidence, Ms Ward, 14 November 2023, p 50.

<sup>430</sup> Evidence, Ms Ward, 14 November 2023, p 50.

<sup>431</sup> Answers to questions on notice, Animal Services Australasia, 6 February 2024, p 5.

<sup>432</sup> Submission 75, Campbelltown City Council, p 7.

<sup>433</sup> Submission 75, Campbelltown City Council, p 3.

<sup>434</sup> Submission 122, Animal Welfare League NSW, p 23.

<sup>435</sup> Evidence, Dr Lederhose, 14 November 2023, p 44.

<sup>436</sup> Centre for International Economics, *Reboming of Companion Animals in NSW (draft report)*, September 2022, p 7.

**3.119** In this regard, RSPCA NSW advised that research has shown that best practice for behavioural assessments involves capturing information about an animal 'over multiple timepoints and multiple sources'.<sup>437</sup> RSPCA NSW further noted that the research also:

[...] acknowledges that optimizing the animal's environment and meeting species-specific needs can avoid and mitigate the effects of physiological stress that confound the interpretation of an animal's personality'.<sup>438</sup>

**3.120** PetRescue similarly gave evidence about the advantages of conducting behavioural assessments in a foster care environment, as distinct from a pound or shelter environment:

Organisations also vary widely in their ability to assess, train and perform behaviour modification for pets within the system; a private foster-based rescue who works with a qualified and experienced behaviour trainer has a far greater capacity to work with and successfully place a dog with behaviour concerns that do not present a significant risk to community safety, compared to a municipal shelter with basic human housing and no foster program (regardless of the availability of specialist staff).<sup>439</sup>

**3.121** In relation to the veterinary workforce, inquiry participants told the committee that action must be taken to address the veterinary workforce shortage, with the Australian Veterinary Association recommending that 'to support the long-term sustainability of the veterinary profession and provision of veterinary services it is critical to address the mental health crisis' impacting this industry.<sup>440</sup> The Australian Veterinary Association also called for the NSW Government to 'investigate and implement state-wide consistent policy for the interaction between local government and veterinary practices in the management of stray dogs and cats'.<sup>441</sup>

### **Foster care arrangements**

**3.122** Inquiry participants highlighted the benefits of foster care to reduce overcapacity and promote better outcomes for animals.<sup>442</sup>

**3.123** Mrs Melissa Penn, General Manager, Sydney Dogs & Cats Home, gave evidence about the benefits of foster care, noting that:

[T]hrough foster homes, we're able to remove animals from the pound environment into a foster home environment, which is better animal outcomes. It gives them the time that they need to find a home and lowers euthanasia rates, which is really important.<sup>443</sup>

<sup>437</sup> Submission 131, RSPCA NSW, p 16.

<sup>438</sup> Submission 131, RSPCA NSW, p 16.

<sup>439</sup> Submission 79, PetRescue, p 16.

<sup>440</sup> Submission 109, Australian Veterinary Association, p 13.

<sup>441</sup> Submission 109, Australian Veterinary Association, p 5.

<sup>442</sup> See for example, Evidence, Dr Elliott, 15 December 2023, pp 24, 26; Submission 66, Council Unites for Pets Reference Group, pp 13, 15; Evidence, Mrs Penn, 14 November 2023, p 28.

<sup>443</sup> Evidence, Mrs Penn, 14 November 2023, p 28.

- 3.124** Getting 2 Zero was also supportive of 'alternative housing' for animals held in pound environments for more than two weeks, noting that foster care is the 'most suitable solution for prolonged care'.<sup>444</sup>
- 3.125** The committee received evidence that '[f]ew councils have active fostering families and homes, even to take the most timid, scared or physically vulnerable animals'.<sup>445</sup> By contrast, some rescue and rehoming organisations operate foster care networks.<sup>446</sup>
- 3.126** Dr Rosemary Elliott, President, Sentient, The Veterinary Institute for Animal Ethics, told the committee that 'Sentient advocates [for] a widescale shift to transfer animals out of pounds and shelter and into a State Government-funded and managed foster care system'.<sup>447</sup> Dr Elliott acknowledged that this is a long-term goal that will take time to implement,<sup>448</sup> however emphasised that transitioning to foster care will lead to better outcomes for animals and staff:
- This will save lives, provide safer environments for animals, meet their psychological and behavioural needs, increase adoption avenues, free up space for short-term stays in shelters, and improve staff moral.<sup>449</sup>
- 3.127** Campbelltown City Council also expressed support for foster care programs, stating that such programs 'relieve overcrowding in pounds, provides, individualized care ... and increases their chances of successful rehoming'.<sup>450</sup>
- 3.128** Animal Welfare League NSW expressed concern that council pounds may not 'have the deep networks of community groups to offer extensive foster services to alleviate resourcing pressures', and argued that:
- A more concerted effort should be made to facilitate collaboration between pounds and animal welfare organisations to help leverage resources and expertise that can deliver improved and more cost-effective animal welfare outcomes.<sup>451</sup>
- 3.129** Sydney Dogs & Cats Home similarly gave evidence that foster care can reduce overall pressures and increase adoption, stating that 'developing foster programs in partnership with rescue organisations can provide temporary care for animals in pounds, alleviating stress and increasing adoption rates'.<sup>452</sup>

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<sup>444</sup> Submission 121, Getting 2 Zero, p 11.

<sup>445</sup> Submission 89, Ms Deborah Rouse, p 22.

<sup>446</sup> Submission 131, RSPCA NSW, p 17.

<sup>447</sup> Evidence, Dr Elliott, 15 December 2023, p 24.

<sup>448</sup> Evidence, Dr Elliott, 15 December 2023, p 26.

<sup>449</sup> Evidence, Dr Elliott, 15 December 2023, p 24.

<sup>450</sup> Submission 75, Campbelltown City Council, p 13.

<sup>451</sup> Submission 122, Animal Welfare League NSW, p 7.

<sup>452</sup> Submission 56, Sydney Dogs & Cats Home, p 7.

**3.130** Dr Diana Rayment, BanSci, PhD, PetRescue, also supported collaboration between council pounds and rescue groups, and encouraged councils to:

... leverage community foster care and volunteer programs to make sure that you can actually work with your community to provide good outcomes for your community and reserve places in the system in care for those pets who genuinely have no other option to be there.<sup>453</sup>

### **Ending unnecessary killing of healthy animals**

**3.131** Finally, stakeholders argued that more needs to be done to end the unnecessary killing of healthy animals in NSW pounds.

**3.132** In this regard, the committee heard that the prevention strategies discussed in chapter 2 are inextricably linked with reducing euthanasia rates. For example, Ms Nell Thompson, Coordinator, Getting 2 Zero, explained that reducing euthanasia rates requires a 'front-end approach' that identifies strategies to prevent animals from entering the pound system in the first place.<sup>454</sup> Getting 2 Zero used the example of the Banyule Desexing Program in Victoria, which saw a pound intake reduction of two-thirds, and a resulting '5 fold reduction in euthanasia'.<sup>455</sup>

**3.133** Additionally, the Australian Pet Welfare Foundation shared various examples of 'evidence-based solutions' that will reduce both intake and euthanasia rates of healthy and treatable animals, including:

- a 'Veticare system' to provide lower income earners with accessible veterinary care
- animal-friendly accommodation
- animal-for-life strategies that support people to keep their animals
- a 'one welfare approach', which optimises and balances the well-being of people, animals and their social and physical environment
- moving towards a support-based model of domestic animal management
- targeted desexing of owned, semi-owned and un-owned cats
- community cat programs
- training for Animal Management Officers that 'focus on strategies to reduce intake and euthanasia, including science-based behavioural assessments utilising materials developed by veterinary psychiatrists'.<sup>456</sup>

<sup>453</sup> Evidence, Dr Rayment, 15 December 2023, p 17.

<sup>454</sup> Evidence, Ms Thompson, 15 December 2023, p 35.

<sup>455</sup> Submission 121, Getting 2 Zero, p 9

<sup>456</sup> Submission 132, Australian Pet Welfare Foundation, pp 26-27.

- 3.134** Ms Lisa Ryan, Regional Campaigns Manager, Animal Liberation, also expressed support for the use of preventative strategies, specifically the One Welfare approach. She stated that 'euthanasia rates of 2 per cent or 3 per cent for dogs and cats are achievable if strategies are implemented that align with a One Welfare approach'.<sup>457</sup> The Cat Protection Society of NSW and the Australian Pet Welfare Foundation also endorsed a 'One Welfare' approach.<sup>458</sup>
- 3.135** Ms Thompson further advised the committee that focusing on reducing intake will also reduce the amount of money councils need to spend on their pounds.<sup>459</sup> A similar view was expressed by Local Government NSW which stated that: 'Funding to increase pound capacity is needed in the short term, however the long term solution is preventing the flow of animals being impounded in the first place'.<sup>460</sup>
- 3.136** Another strategy raised in this space was improving the collection and reporting of data on euthanasia in council pounds, particularly around the reasons for euthanising animals. In this context, a number of stakeholders advocated for the separation of reporting figures for what are listed as so-called 'feral' and 'infant' animals.<sup>461</sup> This was also recommended in the 2022 *Rehoming Companion Animals* draft report.<sup>462</sup> The Australian Pet Welfare Foundation further argued that 'feral' should be replaced with 'behaviour', explaining that 'feral' should not be a reason for euthanasia or as a cat classification on admission because wild cats do not enter council pounds or shelters.<sup>463</sup>
- 3.137** Additionally, NSW Young Lawyers Animal Law Sub-Committee advised that the quality of reporting could be further improved by:
- collecting and reporting reasons for 'owner-requested euthanasia'
  - collecting and reporting reasons for animals being classed as 'unsuitable for rehoming'
  - publicly reporting data on euthanasia practices in council pounds
  - encouraging compliance by pounds to report euthanasia rates, noting that in the 2022-23 financial year, five pounds failed to report.<sup>464</sup>

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<sup>457</sup> Evidence, Ms Ryan, 14 November 2023, p 36.

<sup>458</sup> Submission 126, Cat Protection Society of NSW, p 1; Submission 132, Australian Pet Welfare Foundation, p 27.

<sup>459</sup> Evidence, Ms Thompson, 15 December 2023, p 35.

<sup>460</sup> Submission 127, Local Government NSW, p 7.

<sup>461</sup> Submission 133, NSW Young Lawyers Animal Law Sub-Committee, pp 17-18; Submission 58, Animal Services Australasia, p 10; Submission 131, RSPCA NSW, pp 13-14; Submission 132, Australian Pet Welfare Foundation, pp 7, 34.

<sup>462</sup> Centre for International Economics, *Rehoming of Companion Animals in NSW (draft report)*, September 2022, pp 7, 123.

<sup>463</sup> Submission 132, Australian Pet Welfare Foundation, pp 7, 32, 34.

<sup>464</sup> Submission 133, NSW Young Lawyers Animal Law Sub-Committee, p 18.

## Committee comment

- 3.138** Based on the evidence, the committee is deeply concerned that New South Wales is facing an animal rehoming crisis. Councils and rescue organisations are under-resourced, and many pounds and rescues are operating at or over capacity. As a result, impounded animals are remaining in council pounds for longer periods of time often in sub-standard conditions, which is having a significant welfare impact. The health and wellbeing of these animals is severely impacted, resulting in a large number of animals being euthanised.

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### Finding 1

That New South Wales is facing an animal rehoming crisis, with pounds and rescues severely underfunded and over capacity.

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- 3.139** It is clear that the crisis in NSW pounds cannot be sufficiently addressed through reliance on resources available via council rates, fees and service charges, the Companion Animals Fund, and money derived from impoundment fees and enforcement action. The committee also notes that increasing charges or fees to people with companion animals will only further stretch those who are struggling with the current costs of looking after their animal, so this is not the solution.
- 3.140** The committee agrees with calls from local councils that the NSW Government should provide urgently needed funding to council pounds to cover the costs for necessary infrastructure upgrades, as well as the ongoing cost of care, including desexing and vaccinations, socialisation activities and behaviour training to support animals being rehomed.
- 3.141** However, the committee acknowledges that reducing the number of animals entering NSW pounds, through the implementation of the various of preventive measures recommended in chapter 2, should, in the long term, ease pressure on resourcing constraints and capacity issues. Increased funding from the NSW Government for council pounds should ideally be a short to medium term strategy.
- 3.142** The committee recommends that the NSW Government provide increased funding for council pounds to address the crisis facing pounds in NSW, while also calling on local government authorities to provide increased funding for council pounds. The committee further recommends that the NSW Government commission a report to determine the appropriate amount of funding required to support council pounds across New South Wales.

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### Recommendation 12

That the NSW Government provide increased funding for council pounds, and call upon local government authorities to provide increased funding for council pounds.

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### Recommendation 13

That the NSW Government commission a report to determine the appropriate amount of funding required to support council pounds across New South Wales.

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- 3.143** With increased funding, local councils must also continue to invest and prioritise resources for the management of companion animals in their local areas, including resources for council pounds. Further, to promote greater transparency around budget allocation, the committee agrees that local councils should be required to publicly report how much money is allocated, in their annual budgets, to pound operations. This should include details about how much money is allocated to infrastructure upgrades, staffing and training, animal care, desexing and vaccinations programs, and rehoming activities.

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**Recommendation 14**

That the NSW Government require councils to publicly report budget allocations for pound operations.

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- 3.144** The community expects that animals, as sentient beings, are provided with positive welfare and supported to live meaningful lives. The standard of care in NSW pounds, as described in the evidence, does not align with these expectations.
- 3.145** The committee is deeply concerned that, due to a lack of resources, many pound facilities are out of date and are failing to provide adequate standards of care to impounded animals. The evidence demonstrated that facilities often provide utterly inadequate housing and bedding, as well as inadequate space for exercise, enrichment and socialisation. Some of the conditions described in the evidence were heartbreaking and frankly, shocking. In addition, the committee is alarmed that some council pounds are not vaccinating and quarantining impounded animals upon arrival.
- 3.146** We note the evidence that these substandard conditions, combined with a lack of timely access to necessary veterinary care, which has been impacted by the veterinarian workforce shortage, has led to increased risk of exposure to disease, and in turn unnecessarily high rates of euthanasia.
- 3.147** Therefore, the committee finds that many pound facilities in New South Wales are sub-standard and not fit for purpose, and fail to meet community expectations for animal welfare.

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**Finding 2**

That many pound facilities in New South Wales are sub-standard and not fit for purpose, and fail to meet community expectations for animal welfare.

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- 3.148** The committee recognises that the conditions in NSW pounds are at least partly a result of limited resources available to local councils, as well as a lack of mandatory and contemporary standards for pound design and practices. We note the evidence that the *Animal Welfare Code of Practice No 5 – Dogs and cats in animal boarding establishments* is not fit for purpose, and is questionably enforceable against council pounds. The committee notes that councils looking to build new facilities, such as BARC, are having to look at standards from overseas and interstate

to design and manage their pounds, due to the absence of robust, mandatory standards in New South Wales.

**3.149** The committee therefore recommends that the NSW Government develop a mandatory and enforceable Code of Practice containing standards for construction, and the care and housing of companion animals, in NSW pounds. This Code should include the following, however the committee notes that this is not an exhaustive list:

- minimum space requirements for animals
- quarantine and isolation areas
- minimum size for exercise areas for animals, as well as minimum requirements (including time) for exercise
- housing design that ensures animals' health, welfare, physiological, psychological, behavioural, and social needs are met
- appropriate heating, cooling, air quality, ventilation, lighting, and noise control
- separation of dogs and cats in pound facilities, so they cannot see, hear or smell each other, and consideration of other species if the pound is not limited to cats and dogs
- other requirements including access to veterinary care, appropriate first aid facilities, food storage, waste removal, hot and cold running water, vaccinations, and desexing.

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### **Recommendation 15**

That the NSW Government develop an enforceable Code of Practice containing standards for construction, and the care and housing of companion animals, in New South Wales pounds, including, but not limited to:

- minimum space requirements for animals
- quarantine and isolation areas
- minimum size for exercise areas for animals, as well as minimum requirements (including time) for exercise
- housing design that ensures animals' health, welfare, physiological, psychological, behavioural, and social needs are met
- appropriate heating, cooling, air quality, ventilation, lighting, and noise control
- separation of dogs and cats in pound facilities, so they cannot see, hear or smell each other, and consideration of other species if the pound is not limited to cats and dogs
- other requirements including access to veterinary care, appropriate first aid facilities, food storage, waste removal, hot and cold running water, vaccinations, and desexing.

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**3.150** A number of stakeholders raised concerns about the adequacy of the *Companion Animals Act 1998*. The committee recognises that the Act is outdated and in need of review. The committee therefore recommends the NSW Government review and update the *Companion Animals Act* including to further specify the obligations of councils regarding companion animals management, to ensure it is fit for purpose and able to protect the wellbeing of companion animals in New South Wales.

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**Recommendation 16**

That the NSW Government review and update the *Companion Animals Act 1998*, including to further specify the obligations of councils regarding companion animals management.

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- 3.151** The committee notes particular concerns about a lack of enforcement activity concerning pounds and their obligations under the *Companion Animals Act*, noting that the POCTA Act enforcement agencies do not have enforcement powers under the *Companion Animals Act*.
- 3.152** The committee recommends that the NSW Government introduce reforms to give the POCTA enforcement agencies powers to enforce the *Companion Animals Act 1998* in relation to NSW pounds. The committee notes that introducing these additional powers will have resourcing implications on these enforcement agencies, and therefore also recommends that the NSW Government ensure adequate funding is secured for any agencies who will undertake this work.
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**Recommendation 17**

That the NSW Government introduce reforms to give the POCTA enforcement agencies powers to enforce the *Companion Animals Act 1998* in relation to New South Wales pounds, and ensure adequate funding is secured for POCTA enforcement agencies undertaking this work.

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- 3.153** The committee was highly concerned to learn that some NSW pounds are not vaccinating or desexing animals prior to adoption, largely due to resourcing issues. This puts the health and wellbeing of animals at risk and is likely to further contribute to the overpopulation of companion animals in New South Wales, noting that undesexed animals may go on to be used for backyard breeding or have accidental litters.
- 3.154** While the committee felt that mandatory desexing across the state was not currently practical, mandatory desexing of animals being adopted from pounds would go some way in addressing the overpopulation crisis and could be funded through the State Government. This would likely lead to a decrease in costs incurred by the NSW Government and councils in the long term, as overpopulation levels are reduced and less animals are surrendered to pounds. The committee therefore recommends that the NSW Government introduce reforms to make it mandatory for NSW pounds to desex and vaccinate all animals before they are adopted, and support councils to implement these reforms with appropriate funding.
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**Recommendation 18**

That the NSW Government introduce reforms to make it mandatory for New South Wales pounds to desex and vaccinate all animals before they are adopted, and support councils to implement these reforms with appropriate funding.

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- 3.155** Strengthening oversight and enforcement will go a long way towards improving conditions in NSW pounds. Routine audits and inspections are necessary to ensure compliance with the regulatory framework, while also enhancing transparency of policies and practices; identifying
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areas for improvement; providing education and training for staff; and promoting a culture of accountability and continuous improvement.

- 3.156** Accordingly, the committee recommends that the NSW Government develop a new oversight and enforcement framework to empower enforcement agencies to conduct routine audits, and regular and unannounced inspections in NSW pounds.

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**Recommendation 19**

That the NSW Government develop a new oversight and enforcement framework to empower enforcement agencies to conduct routine audits, and regular and unannounced inspections in New South Wales pounds.

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- 3.157** The evidence has demonstrated that due to the large number of animals in NSW pounds, and the limited resources available, local councils have become increasingly reliant on rescue and rehoming organisations for support with rehoming impounded animals that are not reclaimed. The committee wishes to acknowledge the important work undertaken by rescue and rehoming organisations, and thank them for the work they do, noting these organisations are primarily made up of volunteers.

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**Finding 3**

That the current pound system relies heavily on rescue and rehoming organisations to rehome animals.

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- 3.158** However, we note that most rescue and rehoming organisations rely entirely on volunteers and donations. While some rehoming organisations have been able to apply for grants under the former NSW Government's \$5 million competitive grant program, the committee is aware that this money has not been reallocated in the 2024-25 budget. This is unacceptable given the critical role of rescue and rehoming organisations in saving the lives of animals and alleviating pressure from NSW pounds by ensuring animals are rehomed.

- 3.159** The committee recognises the stress placed on rescue and rehoming organisations because of the lack of funding provided for this essential work. The committee therefore recommends that the NSW Government provide ongoing grant funding to rescue and rehoming organisations.

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**Recommendation 20**

That the NSW Government provide ongoing grant funding to rescue and rehoming organisations.

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- 3.160** The committee notes the evidence it received about the benefits of foster care, noting that some rescue and rehoming organisations already operate large foster care networks. Increased growth and utilisation of these foster care networks has the potential to alleviate some of the capacity issues experienced in NSW pounds and rescue and rehoming organisations, while also producing better outcomes for animals and reducing euthanasia rates.

- 3.161** The committee therefore recommends that the NSW Government undertake a campaign to support community members to become foster carers with their local rescue and rehoming organisation, and promote collaboration between foster care networks and NSW pounds.

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**Recommendation 21**

That the NSW Government undertake a campaign to support community members to become foster carers with their local rescue and rehoming organisation, and promote collaboration between foster care networks and New South Wales pounds.

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- 3.162** It is clear from the evidence that the crisis in NSW pounds is both impacted by, and having an impact on, the veterinary industry. The committee acknowledges the work undertaken by Portfolio Committee No. 4 – Regional NSW as part of its inquiry into the *Veterinary workforce shortage in New South Wales*, and notes the recommendations included in this report. A number of these recommendations are relevant to key issues identified throughout this inquiry. Therefore, the committee recommends that the NSW Government implement relevant recommendations in Portfolio Committee No. 4 – Regional NSW's *Veterinary workforce shortage in New South Wales* report, including that the NSW Government:

- consider amending the *Companion Animals Act 1998* to:
  - ensure local government authorities collect stray<sup>465</sup> animals from licensed veterinary clinics
  - ensure that appropriate funding is provided to local government authorities to ensure that there is a consistent interpretation of the Act across all local government areas
- consider amending the *Veterinary Practice Act 2003* and other relevant legislation to ensure that mobile veterinary clinics can be easily registered to deliver veterinary care, particularly in areas with no clinic within a reasonable distance. Any changes must ensure mobile clinics work collaboratively to ensure they can provide essential additional veterinary services without causing detriment to local clinics
- seek to introduce a regulatory framework for veterinary nurses and veterinary technicians in New South Wales
- review the *Veterinary Practice Act 2003* to determine whether some restricted acts of veterinary science could be extended to veterinary nurses and technicians who are regulated under the same legislative framework
- investigate strategies to best ensure veterinary care for pet owners particularly low income earners can be made more affordable
- investigate providing subsidised vet care to low-income earners, pensioner and animal rescue groups
- consider options for trialling companion-animal friendly public transport

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<sup>465</sup> 'Stray' animals are not defined under New South Wales legislation.

### Recommendation 22

That the NSW Government implement relevant recommendations in Portfolio Committee No. 4 – Regional NSW's *Veterinary workforce shortage in New South Wales* report, including that the NSW Government:

- consider amending the *Companion Animals Act 1998* to ensure local government authorities collect stray animals from licensed veterinary clinics, and to ensure that appropriate funding is provided to local government authorities to ensure that there is a consistent interpretation of the Act across all local government areas
- consider amending the *Veterinary Practice Act 2003* and other relevant legislation to ensure that mobile veterinary clinics can be easily registered to deliver veterinary care, particularly in areas with no clinic within a reasonable distance. Any changes must ensure mobile clinics work collaboratively to ensure they can provide essential additional veterinary services without causing detriment to local clinics
- seek to introduce a regulatory framework for veterinary nurses and veterinary technicians in New South Wales
- review the *Veterinary Practice Act 2003* to determine whether some restricted acts of veterinary science could be extended to veterinary nurses and technicians who are regulated under the same legislative framework
- investigate strategies to best ensure veterinary care for pet owners particularly low income earners can be made more affordable
- investigate providing subsidised vet care to low-income earners, pensioner and animal rescue groups
- consider options for trialling companion-animal friendly public transport.

- 3.163** The substandard conditions in NSW pounds have been clearly shown to negatively impact the health and wellbeing of impounded animals. The committee is concerned about the welfare impacts of animals that end up at pound facilities, particularly those with substandard conditions. Animals can experience stress, anxiety and fear in pounds and inappropriate facilities can further exacerbate the issue. This can also create a difficult and sometimes dangerous workplace for staff who have not been adequately trained to work with animals reacting to these environments.
- 3.164** The committee was particularly concerned about the mental strain and burnout of staff in council pounds, and in particular the psychological cost on staff having to kill animals who simply don't find a home. The committee hopes that if the recommendations are implemented that fewer animals will enter pounds, and this in turn will reduce the stress on staff at council pounds.
- 3.165** Ensuring the safety of staff in council pounds is critical, and the committee agrees with calls to ensure that all staff are provided with necessary training. The committee also notes that some council pounds may require funding from the government to develop and implement such training programs, which is another reason why increased funding for council pound operations is so important.
- 3.166** While acknowledging that euthanasia rates in NSW pounds have decreased over time, the committee is nevertheless alarmed by the high number of animals being killed in the system. As

noted in the evidence, euthanasia rates close to zero are achievable. The reported rates of 9 per cent for dogs and 32 per cent for cats are completely unacceptable.

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#### **Finding 4**

That a large number of animals are still being killed in New South Wales pounds, which is unacceptable.

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- 3.167** The committee is particularly troubled by reports that animals have been incorrectly assessed as being so-called 'feral' or unsuitable for rehoming due to their behaviour, which has resulted in animals being needlessly killed. As outlined in the evidence, incorrect assessments are often a result of unqualified staff undertaking behavioural assessments, and/or behavioural assessments being undertaken without considering the impact of the pound environment on an animal's behaviour.
- 3.168** As emphasised by the Australian Veterinary Association, behavioural assessments must be conducted by or in collaboration with vet experts. Furthermore, if non-vet staff are carrying out behavioural assessments, they must have the necessary qualification and training, and be required to undertake continuing education.
- 3.169** Further, as emphasised by various inquiry participants, the pound environment has a direct and adverse impact on an animal's behaviour. It is shocking to think that, in this day and age, animals are being condemned to death based on their behaviour in a one-off assessment, when in fact their behaviour is a direct response to the stressful and overwhelming pound environment.
- 3.170** The committee also acknowledges that recent research has shown that standardised behaviour assessments conducted in the pound environment are problematic and unreliable. Best practice demands that behavioural assessments be conducted over multiple timepoints and multiple sources, to develop a more reliable and accurate analysis of an animal's behaviour. The committee is highly concerned that animals may have been killed in NSW pounds as a result of one of these problematic and unreliable assessments.
- 3.171** The committee notes that ideally, animals should be placed into foster care as soon as possible, consistent with recommendation 21, and any behavioural assessments should be carried out in this environment.
- 3.172** The committee recommends that the NSW Government develop a behavioural assessment protocol, in consultation with key stakeholders, that requires all behavioural assessments to be conducted by staff who have been trained in this area (ideally, by a qualified behaviouralist and in a foster care environment), and in manner that is consistent with current research.
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#### **Recommendation 23**

That the NSW Government, in consultation with key stakeholders, develop a behavioural assessment protocol that requires all behavioural assessments to be conducted by staff that have been trained in this area (ideally, by a qualified behaviouralist and in a foster care environment) and in manner that is consistent with current research.

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- 3.173** While the committee agrees that the most effective strategy to reduce euthanasia rates in council pounds is to prevent animals from entering the system in the first place, we also note that there is room for improvement in the reporting framework which will help us identify how we achieve that. Clear reporting will ensure greater transparency and provide a better understanding of euthanasia practices in council pounds, to inform future action and policy.
- 3.174** The committee therefore recommends that, in addition to enhancing and standardising data collection requirements for council pounds as recommended in chapter 2, the NSW Government make the following revisions to annual reporting of pound data:
- the 'reason for euthanasia' currently classified as 'feral/infant' be split into 'infant' and 'behaviour'
  - report reasons for 'owner-requested euthanasia'
  - report reasons for animals being classed as 'unsuitable for rehoming'.

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**Recommendation 24**

That, in addition to Recommendation 11, the NSW Government make the following revisions to annual reporting of pound data to the Office of Local Government:

- the reason for euthanasia currently classified as 'feral/infant' be split into 'infant' and 'behaviour'
  - report reasons for 'owner-requested euthanasia'
  - report reasons for animals being classed as 'unsuitable for rehoming'.
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## Appendix 1 Submissions

No.	Author
1	Name suppressed
2	Confidential
3	Ms Louise Webb
4	Wollondilly Shire Council
5	Miss Michelle Jackson
6	Mr Charles Davis
7	Ms Jan Kendall
8	Dr Sarah Pollard-Williams
9	Mr Nathan Barnes
10	Mrs Lynette Desmond
11	Name suppressed
12	Dr Tom Lonsdale
13	Eurobodalla Shire Council
14	Name suppressed
15	Ms Natalie Keene
16	Ms Jan O'Leary
17	Name suppressed
18	Miss Sharon Richards
19	Ms Chara Love
20	Happy Paws Haven
21	Name suppressed
22	Blue Mountains City Council
23	Name suppressed
24	Mrs Victoria Davies
25	Name suppressed
26	Name suppressed
27	Ms Deb Drewell
28	Name suppressed
29	Sara Evans
30	Name suppressed

31	Mrs Gai Mcgrath
32	Name suppressed
33	A Linneth
34	Name suppressed
35	Confidential
36	Name suppressed
37	Name suppressed
38	Ms Gillian Cowie
39	Ms Vicki Brumley
40	Mrs Patricia Wheeldon
41	Mrs Rebecca Andersen
42	Mrs Ellie Robertson
43	Miss Ruth McColl
44	Miss Aly Kandros
45	Mrs Julieann Hardy
46	Murrumbidgee Council
47	Hunter Animal Watch Inc.
48	Confidential
49	City of Sydney
50	Ms Caroline Draperich
51	Edward River Council
52	Mr Khy Gardiner Sargent
53	Albury City Council
54	Dubbo Regional Council
55	Liverpool Plains Shire Council
56	Sydney Dogs & Cats Home
57	Inner City Strays
58	Animal Services Australasia
59	Mr Martin Derby
60	German Shepherd Rescue New South Wales
61	Ms Marie Humphries
62	Ms Marguerite Morgan
63	Name suppressed
64	Greta Young
64a	Greta Young

65	Australian Institute of Local Government Rangers
66	Council Unites for Pets Reference Group
67	Mrs Gloria Tommy
68	Name suppressed
69	Miss Dorlene Abou-Haidar
70	Wollongong City Council
71	ACT Rescue and Foster
72	Mrs Therese Wilk
73	Name suppressed
74	Street Cat Sanctuary
75	Campbelltown City Council
76	City of Canada Bay
77	Narrabri Shire Council
78	Camden Council, Campbelltown City Council and Wollondilly Shire Council
79	PetRescue
80	Pet Industry Association of Australia
81	Sentient, The Veterinary Institute of Animal Ethics
82	Animal Care Australia
82a	Animal Care Australia
83	NSW Government
84	Kip Happy Stays
85	Penrith City Council
86	Mrs Jaz Wolf
87	Ms Nell Stetner
88	Name suppressed
89	Ms Deborah Rouse
90	Confidential
90a	Confidential
91	Name suppressed
92	Confidential
93	Lake Road Veterinary Hospital
94	Cabramatta Cat Colony Rescue
95	Ms Carmen Terceiro
96	Mr Geoff Davidson
97	Ms Janice Haviland

98	Name suppressed
99	Confidential
100	Pound Rescue Incorporated
101	Ms Mary Ann Gourlay
102	Confidential
103	Arthur & Co. Pet Detectives
104	Friends of the Wingecarribee Animal Shelter (FOWAS)
105	Cheryl Forrest-Smith
106	Confidential
107	Confidential
108	Sutherland Shire Council Animal Shelter
109	Australian Veterinary Association
110	Confidential
111	Confidential
112	Pat Daley
113	Confidential
114	Carole de Fraga
115	Susie Hearder
116	Animal Defenders Office
117	DoggieRescue
118	Confidential
119	Confidential
120	Australian Institute of Animal Management
121	Getting 2 Zero
122	Animal Welfare League NSW
123	Animal Liberation NSW
124	Hornsby Shire Council
125	Clarence Valley Council
126	Cat Protection Society of NSW
127	Local Government NSW
128	Tamworth Regional Council
129	Invasive Species Council
130	Jenny Cotterell
131	RSPCA NSW
132	Australian Pet Welfare Foundation

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133	NSW Young Lawyers Animal Law Sub-Committee
134	Lawyers for Companion Animals
135	City of Coffs Harbour
136	Blacktown City Council
137	Murray River Council
138	Confidential
139	Danielle Haase

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## Appendix 2 Witnesses at hearings

<b>Date</b>	<b>Name</b>	<b>Position and Organisation</b>
<b>Tuesday 14 November 2023 Macquarie Room Parliament House, Sydney</b>	Cr Clover Moore AO	Lord Mayor, City of Sydney
	Ms Mary-Anne Priest	Manager City Rangers, City of Sydney
	Mr Jim Baldwin	Director, Planning and Environment, Campbelltown City Council
	Mr Leon Marskell	Manager, City Standards and Compliance, Campbelltown City Council
	Mr Kerry Robinson, OAM, JP, BTP (Hons), Ass Dip Val, FAICD	Chief Executive Officer, Blacktown City Council
	Ms Rosalie Horton	Senior Coordinator Blacktown Animal Rehoming Centre (BARC), Blacktown City Council
	Ms Gina Vereker	Director, Liveable Communities, Tamworth Regional Council
	Miss Helen Eyre	Manager, Environmental Compliance, Dubbo Regional Council
	Ms Kristy Forrest	Animal Shelter Coordinator, Dubbo City Animal Shelter
	Mr Craig Martin	Manager, Environmental Compliance, Blue Mountains City Council
	Mr Michael Ryan	President, Australian Institute of Local Government Rangers
	Mr Troy McGlynn	Committee Member, Australian Institute of Local Government Rangers
	Ms Melissa Souter	President, Inner City Strays
	Ms Christine Crowe	Secretary, Inner City Strays
	Mrs Melissa Penn	General Manager, Sydney Dogs and Cats Home
	Dr Laura Taylor	Head of Animal Care, Sydney Dogs and Cats Home
Ms Monika Biernacki OAM	President, DoggieRescue	
Emeritus Professor Jacquie Rand	Executive Director & Chief Scientist, Australian Pet Welfare Foundation	
Ms Lisa Ryan <i>(via videoconference)</i>	Regional Campaigns Manager, Animal Liberation	

Dr Zachary Lederhose	NSW Division President, Australian Veterinary Association
Dr Anne Quain	NSW Division Committee Member, Australian Veterinary Association
Ms Tara Ward	Volunteer Principal Lawyer, Animal Defenders Office
Ms Kathryn Jurd	General Counsel, RSPCA NSW
Dr Gemma Ma	Project Manager – Keeping Cats Safe at Home; Community Veterinarian, RSPCA NSW
Mr Troy Wilkie	Senior Government Relations Manager, RSPCA
Mr Stephen Albin	Chief Executive Officer, Animal Welfare League NSW

**Friday 15 December 2023  
Macquarie Room  
Parliament House, Sydney**

Mr Brett Whitworth	Deputy Secretary, Office of Local Government
Dr Kim Filmer	Chief Animal Care Welfare Officer, Department of Primary Industries
Cr Darriea Turley	President, Local Government NSW
Mr Damien Thomas	Director Advocacy, Local Government NSW
Dr Diana Jo Rayment	BAnSci PhD, Program Specialist, PetRescue
Ms Kristina Vesk OAM	Chief Executive Officer, Cat Protection Society of NSW
Ms Nerida Atkin	Feline Services Manager, Cat Protection Society of NSW
Dr Rosemary Elliott	President, Sentient, The Veterinary Institute of Animal Ethics
Dr Alex Keough	Veterinary Surgeon, Lake Road Veterinary Hospital
Ms Priscilla Willcockson, Veterinary Nurse ACN RVN	Surgical Nurse Lake Road Veterinary Hospital, Rescue Coordinator Lake Road Vet Rescue
Dr Sarah Pollard Williams	Individual
Ms Nell Thompson	Coordinator, Getting 2 Zero
Witness A	
Witness B	
Witness C	
Ms Karri Nadazdy	Assistant to the President, Animal Care Australia



Mrs Kylie Gilbert

Dog Representative,  
Animal Care Australia

Mr Geoff Davidson

Individual

Ms Anne-Marie Frances Curry

Founder and owner, Arthur & Co.  
Pet Detectives

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## Appendix 3 Minutes

### Minutes no. 2

Thursday 29 June 2023

Portfolio Committee No. 8 – Customer Service

Room 1043, Parliament House, Sydney, 6.31 pm

#### 1. Members present

Ms Hurst, *Chair*

Dr Cohn, *Deputy Chair*

Mr Buttigieg

Mrs MacDonald

Mr Primrose

Ms Suvaal

#### 2. Apologies

Mrs Taylor

#### 3. Previous minutes

Resolved, on the motion of Ms Suvaal: That draft minutes no. 1 be confirmed.

#### 4. Correspondence

The committee noted the following items of correspondence:

##### *Received*

- 28 June 2023 – Letter from Ms Emma Hurst MLC, Dr Amanda Cohn MLC and Mrs Aileen MacDonald MLC requesting a meeting of Portfolio Committee No. 8 – Customer Service to consider a proposed self-reference into pounds in New South Wales

#### 5. Consideration of terms of reference

The Chair tabled a letter proposing the following self-reference:

That Portfolio Committee 8 – Customer Service inquire into and report on pounds in New South Wales, and in particular:

- resourcing challenges affecting New South Wales pounds, including the adequacy of funding given towards the operation of pounds by local and state governments;
- the adequacy of pound buildings and facilities in New South Wales;
- welfare challenges facing animals in pounds across New South Wales, including the provision of housing, bedding, feeding, exercise, enrichment, veterinary treatment, vaccination and desexing;
- the adequacy of the laws, regulations and codes governing New South Wales pounds, including the Companion Animals Act 1998 (NSW) and the NSW Animal Welfare Code of Practice No 5 - Dogs and cats in animal boarding establishments (1996), as well as the adequacy of the current enforcement and compliance regime;
- factors influencing the number of animals ending up in New South Wales pounds, and strategies for reducing these numbers;
- euthanasia rates and practices in New South Wales pounds, including the adequacy of reporting of euthanasia rates and other statistics;
- the role and challenges of behavioural assessments in New South Wales pounds;
- the relationship between New South Wales pounds and animal rescue organisations;
- the challenges associated with the number of homeless cats living in New South Wales for both pounds and animal rescue organisations, and strategies for addressing this issue;
- strategies for improving the treatment, care and outcomes for animals in New South Wales pounds;
- any other related matter.

Resolved, on the motion of Dr Cohn: That the committee adopt the terms of reference.

## 6. Inquiry into pounds in New South Wales

### 6.1 Closing date for submissions

Resolved, on the motion of Ms Suvaal: That the closing date for submissions be Friday 18 August 2023.

### 6.2 Stakeholder list

Resolved, on the motion of Ms Suvaal: That the secretariat circulate to members the Chairs' proposed list of stakeholders to provide them with the opportunity to amend the list or nominate additional stakeholders, and that the committee agree to the stakeholder list by email, unless a meeting of the committee is required to resolve any disagreement.

### 6.3 Approach to submissions

Resolved, on the motion of Ms Suvaal: That, to enable significant efficiencies for members and the secretariat while maintaining the integrity of how submissions are treated, in the event that 200 or more individual submissions are received, the committee may adopt the following approach to processing short submissions:

- All submissions from individuals 250 words or less in length will:
  - have an individual submission number, and be published with the author's name or as name suppressed, or kept confidential, according to the author's request
  - be reviewed by the secretariat for adverse mention and sensitive/identifying information, in accordance with practice
  - be channelled into one single document to be published on the inquiry website
- All other submissions will be processed and published as normal.

### 6.4 Online questionnaire

Resolved, on the motion of Mr Primrose: That the committee use an online questionnaire to capture individuals' views, and that the draft questions be circulated to the committee for comment, with a meeting on request from any committee member if there is disagreement on the questions.

Resolved, on the motion of Mr Primrose: That:

- the committee not accept proformas
- the media release announcing the establishment of the inquiry and emails to stakeholders note that there will be an online questionnaire to capture individuals' views
- that the following wording be included on the committee's website:

#### ***Submissions***

*Individuals are invited to submit their comments on the terms of reference [here](#) [hyperlink to online questionnaire]. This is a new way for individuals to participate in inquiries and it means we will no longer accept proformas.*

Resolved, on the motion of Ms Suvaal: That the secretariat prepare a summary report of responses to the online questionnaire for publication on the website and use in the report, and that:

- the committee agree to publication of the report via email, unless a member raises any concerns
- individual responses be kept confidential on tabling.

### 6.5 Hearing dates

Resolved, on the motion of Ms Suvaal: That the timeline for hearings be considered by the committee following the receipt of submissions. Further, that hearing dates be determined by the Chair after consultation with members regarding their availability.

## 7. Adjournment

The committee adjourned at 6.36 pm, sine die.

Laura Ismay  
Committee Clerk

**Minutes no. 4**

Tuesday 19 September 2023

Portfolio Committee No. 8 – Customer Service

Room 1254, Parliament House, Sydney, 1.36 pm

**1. Members present**

Ms Hurst, *Chair*

Ms Boyd (substituting for Dr Cohn for the duration of the inquiry into pounds), *Deputy Chair*

Mr Buttigieg

Mrs MacDonald

Ms Merton (substituting for Mrs Taylor for the duration of the inquiry into pounds)

Mr Primrose

Ms Suvaal

**2. Correspondence**

The committee noted the following items of correspondence:

***Received***

- 29 June 2023 – Email from the Office of Dr Cohn to the secretariat, advising that Ms Boyd will substitute for Dr Cohn for the duration of the inquiry into pounds
- 18 August 2023 – Covering letter to submission from Sutherland Shire Council to the secretariat, advising that council officers will be unable to provide evidence at future hearings
- 24 August 2023 – Email from the Director of the Standing Committee on Law and Justice to the secretariat, forwarding correspondence from an inmate at Cooma Correctional Centre containing a petition regarding access to phones in custody
- 13 September 2023 – Email from the Office of the Opposition Whip to the secretariat, advising that Mrs Merton will be substituting for Mrs Taylor for the duration of the inquiry into pounds.

***Sent***

- 2 August 2023 – Email from the secretariat to the Public Accountability and Works Committee, forwarding correspondence from the Fire Brigade Employees' Union regarding evidence given by Commissioner Baxter to Budget Estimates in September 2022.

**3. Inquiry into pounds in New South Wales****3.1 Election of Deputy Chair**

The Chair called for nominations for Deputy Chair for the duration of the inquiry.

Ms Suvaal moved: That Ms Boyd be elected Deputy Chair of the committee for the duration of the inquiry.

There being no further nominations, the Chair declared Ms Boyd elected Deputy Chair for the duration of the inquiry.

**3.2 Public submissions**

The committee noted the publication of submission nos. 3-10, 12, 13, 15, 16, 18-20, 22, 24, 27, 29, 31, 33, 38-47, 49-62, 64-67, 69-72, 74-87, 89, 93-97, 100, 101, 103-105, 107-109, 112, 114-117, 120-123 and 125-137.

**3.3 Partially confidential submissions**

Resolved, on the motion of Ms Suvaal: That the committee keep the following information confidential, as per the request of the author: names and/or identifying and sensitive information in submissions nos. 1, 11, 14, 17, 21, 23, 25, 26, 28, 30, 32, 34, 36, 37, 63, 68, 73, 88, 91, 98 and 124.

Resolved, on the motion of Ms Suvaal: That the committee authorise the publication of submission nos. 54 and 77 with the exception of identifying and/or sensitive information which are to remain confidential, as per the request of the author.

Resolved, on the motion of Ms Suvaal: That the committee authorise the publication of submission no. 91, with the exception of identifying and/or sensitive information which are to remain confidential, as per the recommendation of the secretariat.

#### **3.4 Confidential submissions**

Resolved, on the motion of Mrs MacDonald: That the committee keep submission nos. 2, 35, 48, 90, 90a, 92, 99, 102, 106, 107, 110, 111, 113, 118 and 119 confidential, as per the request of the authors.

#### **3.5 Attachments to submissions**

Resolved, on the motion of Ms Suvaal: That the committee authorise the publication of attachments to submission nos. 1, 12, 20, 94, 104 and 123.

#### **4. Hearing dates**

The committee noted that, as agreed via email, the committee will conduct public hearings on Tuesday 14 November 2023 and Friday 15 December 2023.

#### **5. Adjournment**

The committee adjourned at 1.39 pm, until Tuesday 31 October 2023, 9.00 am, Parliament House (public hearing – Budget Estimates 2023-2024).

Kate Mihaljek

**Committee Clerk**

### **Minutes no. 9**

Tuesday 14 November 2023

Portfolio Committee No. 8 – Customer Service

Macquarie Room, Parliament House, 8.48 am

#### **1. Members present**

Ms Hurst, *Chair*

Ms Boyd, *Deputy Chair*, from 9.08 am

Mr Buttigieg, until 11.00 am, from 3.45 pm.

Mrs MacDonald, until 12.15 pm

Mrs Carter, from 1.30 pm

Ms Merton

Mr Primrose

Ms Suvaal (via videoconference)

#### **2. Previous minutes**

Resolved, on the motion of Mr Primrose: That draft minutes no 4 be confirmed.

#### **3. Correspondence**

The committee noted the following items of correspondence:

##### ***Received***

- 1 November 2023 – Email from Kristina Vesk, Chief Executive Officer, The Cat Protection Society of NSW to secretariat, advising that The Cat Protection Society of NSW is unable to attend the November hearing.
- 3 November 2023 – Email from Diana Rayment, Program Specialist, PetRescue, advising that PetRescue is unable to attend the November hearing.
- 7 November 2023 – Email from Deyi Wu, Advisor, Opposition Whip in the Legislative Council, advising that Hon. Susan Carter MLC will substitute for the Hon. Aileen MacDonald MLC in the afternoon (1.15 pm to 5.00 pm).

- 8 November 2023 – Email from Renae Jackson, Veterinarian, seeking information about possible opportunities to be involved in the inquiry into Pounds in New South Wales.
- 8 November 2023 – Email from Leon Marskell, Chair, Council Unites for Pets Working Group, advising that a representative will not be attending the November hearing.
- 9 November 2023 – Email from Rosemary Elliott, President, Sentient, advising that Sentient is unable to attend the November hearing.
- 11 November 2023 – Email from Amanda Davies, Corporate and Business Partnerships Manager, DoggieRescue, advising that she be attending the hearing as a support person.
- 12 November 2023 – Email from Heather (last name not provided), advising that German Shepherd Rescue New South Wales is unable to attend the November hearing.
- 13 November 2023 – Email from Tara Ward, Volunteer Principal Lawyer, Animal Defenders Office, advising that Mr Jake Fitzgerald, Volunteer Research Officer, Animal Defenders Office, is unable to attend the November hearing as he has tested positive for COVID-19.
- 13 November 2023 – Email from Troy Wilkie, Senior Government Relations Manager, RSPCA NSW, requesting that he attend the November hearing as a third representative for RSPCA NSW.
- 13 November 2023 – Email from Stephen Albin, Chief Executive Officer, Animal Welfare League NSW, advising that Mr Sam March, A/g Head of Animal Welfare Services, Animal Welfare League NSW, is unable to attend the November hearing.

#### 4. Inquiry into pounds in New South Wales

##### 4.1 Public hearing

The committee proceeded to take evidence in public.

Witnesses, the public and the media were admitted at 9.00 am.

The Chair made an opening statement regarding the broadcasting of the proceedings and other matters.

The following witnesses were sworn and examined.

- Cr Clover Moore AO, Lord Mayor, City of Sydney
- Ms Mary-Anne Priest, Manager City Rangers, City of Sydney
- Mr Jim Baldwin, Director, Planning and Environment, Campbelltown City Council
- Mr Leon Marskell, Manager, City Standards and Compliance, Campbelltown City Council
- Mr Kerry Robinson, OAM, JP, BTP (Hons), Ass Dip Val, FAICD, Chief Executive Officer, Blacktown City Council
- Ms Rosalie Horton, Senior Coordinator Blacktown Animal Rehoming Centre (BARC), Blacktown City Council

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined.

- Ms Gina Vereker, Director, Liveable Communities, Tamworth Regional Council
- Miss Helen Eyre, Manager, Environmental Compliance, Dubbo Regional Council
- Ms Kristy Forrest, Animal Shelter Coordinator, Dubbo City Animal Shelter
- Mr Craig Martin, Manager, Environmental Compliance, Blue Mountains City Council

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined.

- Mr Michael Ryan, President, Australian Institute of Local Government Rangers
- Mr Troy McGlynn, Committee Member, Australian Institute of Local Government Rangers

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined.

- Ms Melissa Souter, President, Inner City Strays

- Ms Christine Crowe, Secretary, Inner City Strays
- Mrs Melissa Penn, General Manager, Sydney Dogs and Cats Home
- Dr Laura Taylor, Head of Animal Care, Sydney Dogs and Cats Home

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined.

- Ms Monika Biernacki OAM, President, DoggieRescue

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined.

- Emeritus Professor Jacquie Rand, Executive Director & Chief Scientist, Australian Pet Welfare Foundation
- Ms Lisa Ryan, Regional Campaigns Manager, Animal Liberation (via videoconference)

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined.

- Dr Zachary Lederhose, NSW Division President, Australian Veterinary Association
- Dr Anne Quain, NSW Division Committee Member, Australian Veterinary Association

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined.

- Ms Tara Ward, Volunteer Principal Lawyer, Animal Defenders Office

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined.

- Ms Kathryn Jurd, General Counsel, RSPCA NSW
- Dr Gemma Ma, Project Manager – Keeping Cats Safe at Home; Community Veterinarian, RSPCA NSW
- Mr Troy Wilkie
- Mr Stephen Albin, Chief Executive Officer, Animal Welfare League NSW

Ms Suvaal tendered the following documents:

- RSPCA NSW, Financial Statements, FY2023
- News article, 'Residents call for RSPCA NSW to give Katoomba shelter back to the community', Blue Mountains Gazette, August 14 2023

The evidence concluded and the witnesses withdrew.

The hearing concluded at 4.50 pm.

#### **4.2 After the hearing – tendered documents**

Resolved, on the motion of Ms Suvaal: That the committee accept and publish the following documents tendered during the public hearing:

- RSPCA NSW, Financial Statements, FY2023
- News article, 'Residents call for RSPCA NSW to give Katoomba shelter back to the community', Blue Mountains Gazette, August 14 2023.

## **5. Other business**

### **5.1 Declaration of interest**

The Chair declared that Ms Tara Ward, Volunteer Principal Lawyer, Animal Defenders Office has done occasional volunteer work for her office.

**6. Adjournment**

The committee adjourned at 16.55 pm, until Friday 15 November 2023, 9.00 am, Macquarie Room, Parliament House.

Teneale Houghton  
Committee Clerk

**Minutes no. 10**

Friday 15 December 2023  
Portfolio Committee No. 8 – Customer Service  
Macquarie Room, Parliament House, 8.48 am

**1. Members present**

Ms Hurst, *Chair*  
Ms Boyd, *Deputy Chair* (via videoconference), from 10.00 to 10.30 am, (in person) from 2.45 pm to 4.15 pm  
Mr Buttigieg  
Mrs MacDonald  
Mrs Carter  
Ms Merton  
Mr Primrose (via videoconference) until 2.00 pm, from 4.15 pm  
Ms Suvaal (via videoconference) until 2.00 pm

**2. Previous minutes**

Resolved, on the motion of Ms Merton: That draft minutes no 9 be confirmed.

**3. Correspondence**

The committee noted the following items of correspondence:

***Received***

- 21 November 2023 – Letter from Ms Emma Hogan, Secretary, Department of Customer Service to secretariat, requesting that material which does or may identify Mr Darren Parker be redacted from the transcript and recording of the Budget Estimates 2023-2024 hearing for the portfolios of Better Regulation and Fair Trading, Industry and Trade, Innovation, Science and Technology, Building, Corrections on Wednesday 8 November 2023
- 22 November 2023 – Email from Mr Troy McGlynn, Committee Member, Australian Institute of Local Government Rangers requesting transcript correction, November hearing
- 23 November 2023 - Letter from Mr Adam Dent, Chief Executive, State Insurance Regulatory Authority to secretariat, requesting that material which does or may identify Mr Darren Parker be redacted from the transcript and recording of the Budget Estimates 2023-2024 hearing for the portfolios of Better Regulation and Fair Trading, Industry and Trade, Innovation, Science and Technology, Building, Corrections on Wednesday 8 November 2023
- 24 November 2023 - Letter from Mr Darren Parker to secretariat, requesting that material which does or may identify him be redacted from the transcript and recording of the Budget Estimates 2023-2024 hearing for the portfolios of Better Regulation and Fair Trading, Industry and Trade, Innovation, Science and Technology, Building, Corrections on Wednesday 8 November 2023
- 29 November 2023 – Email from Mrs Olga Parkes, Hon. Secretary, Hunter Animal Watch Inc., advising that Hunter Animal Watch Inc. is unable to attend the December hearing
- 30 November 2023 – Email from Deborah Barnes, President, Friends of the Wingecarribee Animal Shelter, advising that Friends of the Wingecarribee Animal Shelter is unable to attend the December hearing



- 5 December 2023 – Email from Dr Zachary Lederhose, President, Australian Veterinary Association New South Wales Division, requesting transcript correction, November hearing
- 6 December 2023 – Email from Ms Liz Gemes, Senior Advocacy Officer, Australian Veterinary Association, on behalf of Dr Anne Quain requesting transcript correction, November hearing
- 10 December 2023 – Email from Dr Anne Quain, Committee member, Australian Veterinary Association New South Wales Division, providing clarification to evidence, November hearing
- 15 December 2023 – Email from Mr Mark Slater, Director, Animal Services Australasia, advising that Animal Services Australasia is unable to attend the December hearing
- 15 December 2023 – Email from Witness D, advising that they are unable to appear at the December hearing.

**Sent**

- 15 November 2023 - Email from Budget Estimates secretariat to Hon Anoulack Chanthivong MP, Minister for Better Regulation and Fair Trading, Minister for Industry and Trade, Minister for Innovation, Science and Technology, Minister for Building, and Minister for Corrections, issuing uncorrected transcript, questions on notice, and supplementary questions from hearing on 8 November 2023
- 16 November 2023 - Email from Budget Estimates secretariat to Hon Ron Hoenig MP, Minister for Local Government, issuing uncorrected transcript, questions on notice, and supplementary questions from hearing on 10 November 2023.

**3.1 Publication of correspondence and transcript corrections**

Resolved, on the motion of Mr Buttigieg: That the committee authorise:

- the publication of the email from Mr Troy McGlynn, Committee Member, Australian Institute of Local Government Rangers, received on 22 November 2023, providing clarifications to evidence given at the public hearing on 14 November 2023
- the insertion of footnotes at the relevant points in the transcript on 14 November 2023 noting that correspondence clarifying the evidence had been received and providing a hyperlink to the published correspondence.

Resolved, on the motion of Mr Buttigieg: That the committee authorise:

- the publication of the email from Dr Zachary Lederhose, President, Australian Veterinary Association New South Wales Division, received on 5 December 2023, providing clarifications to evidence given at the public hearing on 14 November 2023
- the insertion of footnotes at the relevant points in the transcript on 14 November 2023 noting that correspondence clarifying the evidence had been received and providing a hyperlink to the published correspondence.

Resolved on the motion of Ms Suvaal: That the committee authorise:

- the publication of the email from Dr Anne Quain, Committee member Australian Veterinary Association New South Wales Division, received on 10 December 2023, providing clarifications to evidence given at the public hearing on 14 November 2023
- the insertion of footnotes at the relevant points in the transcript on 14 November 2023 noting that correspondence clarifying the evidence had been received and providing a hyperlink to the published correspondence.

**4. Inquiry into Budget Estimates 2023-2024****4.1 Answers to questions on notice and supplementary questions**

The committee noted the publication of answers to questions on notice and supplementary questions provided by the following witnesses:

- The Hon Jihad Dib MP, Minister for Customer Service and Digital Government, Minister for Emergency Services, and Minister for Youth Justice

- The Hon Anoulack Chanthivong MP, Minister for Better Regulation and Fair Trading, Minister for Industry and Trade, Minister for Innovation, Science and Technology, Minister for Building, and Minister for Corrections
- The Hon Ron Hoenig MP, Minister for Local Government.

#### 4.2 Request to redact information

The committee considered the request of Mr Darren Parker to redact all material that identifies or could possibly identify him from the transcript and recording of the committee's hearing for the portfolios of Better Regulation and Fair Trading, Industry and Trade, Innovation, Science and Technology, Building, Corrections on Wednesday 8 November 2023.

Resolved, on the motion of Ms Suvaal: That the committee:

- do not agree to the request to redact the transcript and recording; and
- authorise the Chair to write to Mr Parker inviting him to provide a written reply to comments made during the Budget Estimates 2023-2024 hearing for the portfolios of Better Regulation and Fair Trading, Industry and Trade, Innovation, Science and Technology, Building, Corrections on Wednesday 8 November 2023.

Resolved, on the motion of Mrs MacDonald: That the following correspondence be kept confidential, with the committee to reconsider publication on receipt of the written reply from Mr Parker:

- 21 November 2023 – Letter from Ms Emma Hogan, Secretary, Department of Customer Service to secretariat
- 23 November 2023 - Letter from Mr Adam Dent, Chief Executive, State Insurance Regulatory Authority to secretariat
- 24 November 2023 - Letter from Mr Darren Parker to secretariat.

### 5. Inquiry into pounds in New South Wales

#### 5.1 Sequence of questions

Resolved, on the motion of Mrs MacDonald: That the sequence of questioning be left in the hands of the Chair.

#### 5.2 Public hearing

The committee proceeded to take evidence in public.

Witnesses, the public and the media were admitted at 9.00 am.

The Chair made an opening statement regarding the broadcasting of the proceedings and other matters.

The following witnesses were sworn and examined.

- Mr Brett Whitworth, Deputy Secretary, Office of Local Government
- Dr Kim Filmer, Chief Animal Care Welfare Officer, Department of Primary Industries

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined.

- Cr Darriea Turley, President, Local Government NSW
- Mr Damien Thomas, Director Advocacy, Local Government NSW

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined.

- Dr Diana Jo Rayment, BAnSci PhD, Program Specialist, PetRescue
- Ms Kristina Vesik OAM, Chief Executive Officer, Cat Protection Society of NSW
- Ms Nerida Atkin, Feline Services Manager, Cat Protection Society of NSW

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined.

- Dr Rosemary Elliott, President, Sentient, The Veterinary Institute of Animal Ethics
- Dr Alex Keough, Veterinary Surgeon, Lake Road Veterinary Hospital
- Ms Priscilla Willcockson, Veterinary Nurse ACN RVN, Surgical Nurse Lake Road Veterinary Hospital, Rescue Coordinator Lake Road Vet Rescue
- Dr Sarah Pollard Williams, individual

Dr Sarah Pollard Williams tendered the following documents:

- Journal of Applied Animal Ethics Research 1 (2019) 177-208 - Abstract by Anne Fawcett

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined.

- Ms Nell Thompson, Coordinator, Getting 2 Zero

The evidence concluded and the witness withdrew.

### **5.3 *In camera* hearing**

The public and the media withdrew.

The committee previously agreed to take *in camera* evidence from individual submissions authors.

The committee proceeded to take *in camera* evidence. Persons present other than the committee: Laura Ismay, Teneale Houghton, Margaret Pollard, Jennifer Gallagher, Emily Whittingstall and James Ryan and Hansard Reporters.

Witnesses were admitted.

The Chair made an opening statement regarding the proceedings and other matters

The following witness was sworn and examined:

- Witness A

The witness was admitted.

The Chair made an opening statement regarding the proceedings and other matters

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Witness B

The witness was admitted.

The Chair made an opening statement regarding the proceedings and other matters

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Witness C

The evidence concluded and the witness withdrew.

### **5.4 Public hearing resumed**

Witnesses, the public and the media were admitted at 4.15pm.

The following witnesses were sworn and examined.

- Ms Karri Nadazdy, Assistant to the President, Animal Care Australia
- Mrs Kylie Gilbert, Dog Representative, Animal Care Australia
- Mr Geoff Davidson, individual
- Ms Anne-Marie Frances Curry, Founder and owner, Arthur & Co. Pet Detectives

The evidence concluded and the witnesses withdrew.

The hearing concluded at 5.13 pm.

### 5.5 Tended documents

Resolved, on the motion of Mr Buttigieg: That the committee accept and publish the following documents tendered during the public hearing:

- Journal of Applied Animal Ethics Research 1 (2019) 177-208 - Abstract by Anne Fawcett, tendered by Dr Sarah Pollard Williams

### 5.6 Site visits in 2024

Resolved, on the motion of Mrs Suvaal: That the secretariat canvass suitable dates and review submissions for locations for the committee to conduct site visits.

### 5.7 Answers to questions on notice and supplementary questions (November hearing)

Resolved, on the motion of Ms MacDonald: That the committee authorise the publication of answers to questions on notice and answers to supplementary questions provided by the following witnesses:

- Answers to questions on notice, Emeritus Professor Jacquie Rand, Australian Pet Welfare Foundation
- Answers to questions on notice and supplementary questions, Dr Laura Taylor, Sydney Dogs & Cats Home
- Answer to questions on notice, Ms Liz Gemes on behalf of Dr Zachary Lederhose and Dr Anne Quain, Australian Veterinary Association New South Wales Division
- Answers to supplementary questions, Melissa Souter, Inner City Strays
- Answers to supplementary questions, Ms Helen Eyre, Dubbo Regional Council
- Answers to supplementary questions, Lisa Rennie on behalf of Ms Gina Vereker, Tamworth Regional Council
- Answers to supplementary questions, Mr Leon Marskell, Campbelltown City Council
- Answers to questions on notice and supplementary questions, Mr Troy Wilkie, RSPCA NSW
- Answers to supplementary questions, Mr Geoff Stodart on behalf of Mr Craig Martin, Blue Mountains City Council

## 6. Other business

## 7. Adjournment

The committee adjourned at 5.16 pm

Teneale Houghton  
Committee Clerk

## Minutes no. 15

Thursday 11 April 2024

Portfolio Committee No. 8 – Customer Service

Macquarie St, Parliament House, Sydney at 8.25 am

## 8. Members present

Ms Hurst, *Chair*

Mr Buttigieg (from 9.15 am until 12.30 pm)

Mrs MacDonald

Ms Merton

Mr Primrose

## 9. Apologies

Ms Boyd, *Deputy Chair*

Ms Suvaal

**10. Previous minutes**

Resolved, on the motion of Mrs MacDonald: That draft minutes no. 14 be confirmed.

**11. Correspondence**

The committee noted the following items of correspondence:

***Received***

- 23 January 2024 – Email from Mr Damian Thomas, Director Advocacy, Local Government NSW, requesting corrections to the transcript from the public hearing on 15 December 2023
- 6 February 2024 – Email from Cr Darriea Turley, President, Local Government NSW, corrections to the transcript from the public hearing on 15 December 2023
- 6 February 2024 – Email from Witness A, advising that they do not have any additional information to provide in relation to questions on notice
- 26 February 2024 – Email from Ms Noelle Warwar, Manager Community standards, Liverpool City Council, providing a response to the request to conduct a site visit to Liverpool Animal Shelter on 11 April 2024
- 14 March 2024 – Email from Mr John Ajaka, Chief Executive Officer, Liverpool City Council, providing further information on the request to conduct a site visit to Liverpool Animal Shelter on 11 April 2024
- 27 March 2024 – Email from Mr Greg Tredinnick, Secretary, Australian Institute of Local Government Rangers, inviting committee members to at an upcoming workshop in July 2024.

***Sent***

- 9 April 2024 – Email from secretariat to Greg Tredinnick, Secretary, Australian Institute of Local Government Rangers, declining the invitation to the upcoming workshop in July 2024.

Resolved, on the motion of Mrs MacDonald: That the correspondence from Witness A, dated 6 February 2024, be kept confidential.

Resolved, on the motion of Mr Primrose: That the committee authorise:

- the publication of the email from Mr Damian Thomas, Director Advocacy, Local Government NSW, received on 23 January 2024, providing clarifications to evidence given at the public hearing on 15 December 2023
- the insertion of footnotes on pages 12 and 13 of the transcript from 15 December 2023 clarifying the evidence of Mr Thomas, as per the correspondence received 23 January 2024.

Resolved, on the motion of Mrs MacDonald: That the committee authorise:

- the publication of the email from Cr Darriea Turley, President, Local Government NSW, received on 6 February 2024, providing clarifications to evidence given at the public hearing on 15 December 2023.
- the insertion of footnotes on pages 11 of the transcript from 15 December 2023 clarifying the evidence of Cr Turley, as per the correspondence received 6 February 2024.

**12. Inquiry into Pounds in New South Wales****12.1 Sydney Site Visits**

Committee conducted site visits at the following locations:

- Sydney Dogs & Cats Home (Strathfield)
- Rossmore Vet Hospital
- Blacktown Animal Rehoming Centre.

The tour at Sydney Dogs & Cats home was facilitated by:

- Ms Melissa Penn, General Manager
- Dr Lauren Taylor, Head of Animal Care.

The tour at Rossmore Vet Hospital was facilitated by:

- Dr Edward (Ted) Humphries, Managing Veterinarian
- Councillor Karress Rhodes (Liverpool City Council, chair of the Animal Management Committee)

- Other staff of the Rossmore Vet Hospital.

The tour at Blacktown Animal Rehoming Centre was facilitated by:

- Mr Kerry Robinson OAM, CEO, Blacktown City Council
- Mr Robert Sullivan, Acting Director City Living
- Mr Tony Gabrio, Manager Animal Rehoming Centre
- Ms Rose Horton, Senior Coordinator Rehoming Centre.

### 13. Adjournment

The committee adjourned at 4.40 pm, *sine die*.

Teneale Houghton  
Committee Clerk

### Minutes no. 17

Monday 1 July 2024

Portfolio Committee No. 8 – Customer Service

Macquarie St, Parliament House, Sydney at 1.43 pm

#### 1. Members present

Ms Hurst, *Chair*  
Mrs MacDonald  
Ms Merton  
Mr Primrose

#### 2. Apologies

Ms Boyd, *Deputy Chair*  
Mr Buttigieg  
Ms Suvaal

#### 3. Previous minutes

Resolved, on the motion of Mrs Merton: That draft minutes no. 15 be confirmed.

#### 4. Correspondence

The committee noted the following items of correspondence:

##### **Received:**

- 10 April 2024 –Email from Mr Greg Tredinnick, Secretary, Australian Institute of Local Government Rangers (AILGR) to secretariat, extending an open invitation committee members to attend AILGR workshop in 2024 or 2025
- 13 May 2024 – Email from Ms Melissa Maccallum, Manager of Building & Environment, Orange City Council to secretariat, confirming availability for site visit on Tuesday 2 July and advising committee members of PPE requirement during visit
- 13 May 2024 – Email from Mr Kane Duke, Manager, Building and Regulatory Services, Cowra Pound, to the secretariat, confirming availability for site visit
- 17 May 2024 – Email from Ms Anna Stapleton, Manager, Environment, Bathurst Animal Rescue Centre, to the secretariat, confirming availability for site visit and advising committee members of PPE requirements during visit
- 17 June 2024 – Email from Mr Greg Perry, Senior Environmental Health Officer, Orange City Pound, to the secretariat, confirming availability for site visit on Monday 1 July

- 21 June 2024 – Email from Ms Anna Stapleton Manager, Environment, Bathurst Animal Rescue Centre, to the secretariat, confirming members will be able to conduct a short visit to the former Bathurst Small Animal Pound.

***Sent:***

- 31 May 2024 – Letter from Chair, to Mrs Melissa Penn, General Manager, Sydney Dogs & Cats Home, and Dr Lauren Taylor, Head of Animal Care, Sydney Dogs & Cats Home, thanking them for the hosting the committee on 11 April
- 31 May 2024 – Letter from Chair, to Dr Edward (Ted) Humphries, Managing Veterinarian, Rossmore Veterinary Hospital, thanking him for the hosting the committee on 11 April
- 31 May 2024 – Letter from Chair, to Isadora Trovato, Senior Executive Assistant to the Chief Executive Office, Blacktown Council, thanking Blacktown Animal Rehoming Centre for the hosting the committee on 11 April.

## 5. Inquiry into Pounds in New South Wales

### 5.1 Regional Site Visits

Committee conducted site visits on Monday 1 July and Tuesday 2 July at the following locations:

- Orange City Pound
- Former Bathurst Small Animal Pound and Bathurst Animal Rehoming Centre
- Cowra Pound

The tour at Orange City Pound home was facilitated by:

- Cr David Mallard, Chair of the Companion Animals Committee, Orange City Council
- Mr Greg Perry, Senior Environmental Health Officer, Orange City Pound
- Pound Supervisor, Orange City Pound

The tour at the former Bathurst Small Animal Pound and Bathurst Animal Rehoming Centre was facilitated by:

- Mr Neil Southorn, Director Environmental, Planning and Building Services, Bathurst Regional Council
- Ms Anna Stapleton, Manager Environment, Bathurst Animal Rehoming Centre
- Ms Jenna Martin, Ranger, Bathurst Regional Council

The tour at Cowra Pound was facilitated by:

- Mr Kane Duke, Manager of Building & Regulatory Services, Cowra Council
- Ms Larrisa Hackett, Director of Environmental Services, Cowra Council
- Ms Tisharna Charnock, Ranger, Cowra Pound
- Ms Breanna Schaefer, Ranger, Cowra Pound

## 6. Adjournment

The committee adjourned at 5.10 pm, Tuesday 2 July, *sine die*.

Teneale Houghton  
**Committee Clerk**

### Draft minutes no. 25

Friday 11 October 2024

Portfolio Committee No. 8 – Customer Service

Room 1043, Parliament House, Sydney at 9.02 am

**7. Members present**

Ms Hurst, *Chair*  
 Ms Boyd, *Deputy Chair* (via videoconference) from 9.08 am  
 Mr Buttigieg (via video conference)  
 Mrs MacDonald (via videoconference)  
 Ms Merton  
 Mr Primrose  
 Ms Suvaal

**8. Previous minutes**

Resolved, on the motion of Ms Merton: That draft minutes no. 17 be confirmed.

**9. Correspondence**

The committee noted the following items of correspondence:

***Received***

- 2 July 2024 – Email from Mr Greg Perry, Senior Environmental Health Officer, Orange City Pound, to secretariat, additional information for committee's consideration following site visit on 1 July.
- 25 September 2024 – Email from Mr Greg Perry, Senior Environmental Health Officer, Orange City Pound, to secretariat, requesting names of Orange City Council staff be kept confidential.

***Sent***

- 19 September 2024 – Letter from Chair to Mr Greg Perry, Senior Environmental Health Officer, Orange City Council, Cr David Mallard, Chair of the Companion Animals Committee, Orange City Council, and Orange City Council staff, thanking them for hosting the committee on 1 July at Orange City pound.
- 19 September 2024 – Letter from Chair, to Mr Neil Southorn, Director Environmental, Planning and Building Services, Bathurst Regional Council, Ms Anna Stapleton, Manager Environment, Bathurst Regional Council, and Ms Jenna Martin, Ranger, Bathurst Regional Council, thanking them for hosting the committee on 2 July at Bathurst Animal Rehoming Centre.
- 19 September 2024 – Letter from Chair, to Mr Kane Duke, Manager of Building & Regulatory Services, Cowra Council, Ms Larrisa Hackett, Director of Environmental Services, Cowra Council, Ms Tisharna, Ranger, Cowra Pound, and Ms Breanna Schaefer, Ranger, Cowra Pound, thanking them for hosting the committee on 2 July at Cowra Pound.

Resolved, on the motion of Ms Suvaal: That the committee authorise the publication of correspondence from Mr Greg Perry regarding the committee's sit visit, dated 2 July 2024.

**10. Inquiry into the Pounds in New South Wales****10.1 Public submission**

The committee noted the publication of submission no. 139

**10.2 Confidential submission**

Resolved, on the motion of Ms Suvaal: That the committee keep submission no. 138 confidential, as per the request of the author.

**10.3 Consideration of Chair's draft report**

The Chair submitted her draft report entitled *Pounds in New South Wales*, which, having been previously circulated, was taken as being read.

Resolved, on the motion of Ms Suvaal: That Recommendation 2 be amended by omitting 'introduce' and inserting 'review the need for' before 'reforms'.



Mrs MacDonald moved: That Recommendation 4 be omitted: 'That the NSW Government provide means-tested subsidies, such as a Veticare system, to assist lower income earners to pay for veterinarian services, including desexing and microchipping'.

Question put.

The committee divided.

Ayes: Mr Buttigieg, Mrs MacDonald, Ms Merton, Mr Primrose, Ms Suvaal.

Noes: Ms Boyd, Ms Hurst.

Question resolved in the affirmative.

Resolved, on the motion of Ms Boyd: That Recommendation 5 be amended by inserting a new dot point at the end: 'veterinary services, including desexing'.

Resolved, on the motion of Ms Suvaal: That Recommendation 5 be amended by inserting 'further investigate the need to provide lower income earners with companion animals specific funding support, with a focus on the evidence linking financial hardship to the surrendering of companion animals in pounds, and' after 'That the NSW Government '.

Mrs Merton moved: That Recommendation 6 be omitted: 'That the NSW Government urgently introduce legislation to ensure tenants can rent with animals and to ensure these laws place the onus on the landlord to apply to the NSW Civil and Administrative Tribunal if they want to refuse an animal'.

Question put.

The committee divided.

Ayes: Mrs MacDonald, Ms Merton.

Noes: Ms Boyd, Mr Buttigieg, Ms Hurst, Mr Primrose, Ms Suvaal.

Question resolved in the negative.

Mrs Merton moved: That Recommendation 7 be omitted: That the NSW Government implement relevant recommendations set out in the report of the Select Committee on Puppy Farming in New South Wales, including that the NSW Government:

- urgently introduce legislation on puppy and kitten farming in New South Wales
- introduce a cap on the number of female breeding animals that a proprietor of a companion animal breeding business may have, lifetime litter limits for cats and dogs used for breeding and staff to animal ratios for companion animal breeding businesses
- introduce a well-resourced breeder licensing scheme in New South Wales that contains robust licensing conditions for breeders
- move towards restricting the sale of dogs and cats in pet shops to those sourced from pounds, shelters or rescue groups
- ensure proper traceability of animals and breeders to assist both the public and enforcement agencies to identify unethical breeders
- introduce an 'extended liability' scheme whereby breeders are responsible for congenital, genetic and/or other health issues that arise in the first year of an animal's life.

Question put.

The committee divided.

Ayes: Mrs MacDonald, Ms Merton.

Noes: Ms Boyd, Mr Buttigieg, Ms Hurst, Mr Primrose, Ms Suvaal.

Question resolved in the negative.

Mrs Merton moved: That Recommendation 8 be omitted: 'That the NSW Government urgently introduce legislative reforms to address backyard breeding'.

Question put.

Committee divided.

Ayes: Mrs MacDonald, Ms Merton.

Noes: Ms Boyd, Mr Buttigieg, Ms Hurst, Mr Primrose, Ms Suvaal.

Question resolved in the negative.

Resolved, on the motion of Mr Primrose: That Recommendation 11 be amended by:

- a) omitting 'microchipping and' after 'processes associated with'
- b) omitting 'registration with a view to reducing or abolishing fees entirely and ensure a "one step registration process" is available through the new Pet Registry System' and inserting instead 'the companion animal registration framework, with a view to reduce costs'.

Resolved, on the motion of Mr Primrose: That paragraph 2.138 be amended by omitting 'The committee also questions their effectiveness at reducing cat populations given the evidence presented suggested otherwise'.

Resolved, on the motion of Mr Primrose: That Recommendation 13 be amended by inserting ', and call upon local government authorities to provide increased funding for council pounds' after 'That the NSW Government provide increased funding for council pounds'.

Resolved, on the motion of Mr Primrose: That Recommendation 17 be amended by inserting ', including to further specify the obligations of councils regarding companion animals management' after 'review and update the *Companion Animals Act 1998*'.

Mr Primrose moved: That Recommendation 18 be amended by omitting 'and ensure adequate funding is secured for POCTA enforcement agencies undertaking this work'.

Question put and negated.

Resolved, on the motion of Mr Primrose: That paragraph 3.162 be amended by inserting a footnote after 'stray' with a note 'Stray animals are not defined under NSW legislation'.

Resolved, on the motion of Mr Primrose: That the draft report be the report of the committee and that the committee present the report to the House;

The transcripts of evidence, tabled documents, submissions, correspondence, responses and summary report to the online questionnaire, and answers to questions taken on notice and supplementary questions relating to the inquiry be tabled in the House with the report;

Upon tabling, all unpublished attachments to submissions be kept confidential by the committee;

Upon tabling, all unpublished transcripts of evidence, tabled documents, submissions, correspondence, responses and summary report to the online questionnaire, and answers to questions taken on notice and supplementary questions related to the inquiry be published by the committee, except for those documents kept confidential by resolution of the committee;

The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;

The committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee;

Dissenting statements be provided to the secretariat within 24 hours after receipt of the draft minutes of the meeting;

The secretariat is tabling the report at 10.00 am on Friday 18 October 2024;

The Chair to advise the secretariat and members if they intend to hold a press conference, and if so, the date and time.

**11. Adjournment**

The committee adjourned at 9.53 am, Friday 11 October, *Sine die*.

Teneale Houghton  
**Committee Clerk**

## Appendix 4 Dissenting statement

**Hon Rachel Merton MLC; Hon Aileen MacDonald MLC**

**That the New South Wales Government urgently introduce legislation to ensure tenants can rent with animals and to ensure these laws place the onus on the landlord to apply to the New South Wales Civil and Administrative Tribunal if they want to refuse an animal.**

The above, Recommendation 6, is broad ranging with little detail. Initial concerns relate to placing the onus on landlords to apply to the NSW Civil and Administrative Tribunal (NCAT) to refuse an animal, which places the impost on the landlord.

Concern is also held relating to the unintended consequences with unquantified costs and impacts on landlords, including small businesses, with the onus being placed on the landlord. This may result in an escalation in rental charges, to recover costs, and a possible reduction in the supply of rental properties.

It is also unknown as to what level of demand and impact this may have on NCAT which may result in an escalation of cases from landlords, including small businesses, under these new provisions. Further concern relates to not wanting to over burden NCAT and recognising the current demand for NCAT services from across NSW.

The above recommendation is also presented at a time when the NSW Government has announced the issue of rental accommodation with animals being currently under review with reforms to be announced soon. It would be preferable to allow the process of Government to be followed. This would also provide information as to the what the legislated reasons are relating to animals being refused from rental properties.

**That the New South Wales government implement relevant recommendation set up in the report of the select Committee on puppy farming in New South Wales, including the New South Wales government.**

- **urgently introduce legislation on puppy and kitten farming in New South Wales.**
- **introduce a cap on the number of female breeding animals that are proprietor of a companion animal breeding business may have lifetime litter limits for cats and dogs used for breeding and staff to animal ratios for companion animal breeding businesses.**
- **introduce a well-resourced breeder licensing scheme in New South Wales that contains robust licensing conditions for breeders.**
- **move towards restricting the sale of cats and dogs in pet shop to those sourced from pounds, shelters, or rescue groups.**
- **Ensure proper traceability of animals and breeders to assist both the public and enforcement agencies to identify unethical breeders.**
- **introduce and “extended liability” scheme whereby breeders are responsible for congenital, genetic and/or other health issues that rise in the first year of an animal’s life.**

The above, Recommendation 7, is presented following The Legislative Council Select Committee on Puppy Farming in New South Wales published its report in 2022. This inquiry was established to consider the Companion Animals Amendment (Puppy Farms) Bill 2021 and the broader issue of puppy and kitten farming in NSW. The issue has already been the subject of a specific inquiry and could be considered redundant to the Pounds in New South Wales Inquiry.

Concerns have been raised about whether the Terms of Reference for the Pounds Inquiry extend to puppy farming. While there is a noted correlation between puppy farming and the increase in animals in council pounds, it's important to recognise that most breeders in NSW are responsible, welfare-focused, and should not be unfairly targeted.

Action should be focused on addressing the actual problem while minimising negative impacts on responsible breeders. The NSW Coalition Government has already implemented measures to regulate companion animal breeding, including a new animal register for transparency and increased penalties under the Prevention of Cruelty to Animals Act (POCTAA).

Recommendation 7 is not fit for purpose and would unnecessarily increase regulatory burdens without significant benefit. The introduction of 'extended liability' for breeders regarding congenital or genetic health issues could impose unquantified costs and regulatory burdens on breeders, pet shops, and state agencies, diverting resources from existing programs and negatively impacting small businesses and councils.

### **That the New South Wales government urgently introduced legislative reforms to address backyard breeding**

The above, Recommendation, 8 also follows The Legislative Council Select Committee on Puppy Farming in New South Wales published its report in 2022. This inquiry was established to consider the Companion Animals Amendment (Puppy Farms) Bill 2021 and the broader issue of puppy and kitten farming in NSW. The issue of “backyard breeding” was also considered by this specific inquiry and is also considered redundant to the Pounds in New South Wales Inquiry.

Likewise, concern is also registered as to whether the Terms of Reference of the Pounds Inquiry extends to “backyard breeders.”

### **The NSW Government introduce reforms to give the POCTA enforcement agencies powers to enforce the *Companion Animals Act 1998* in relation to New South Wales pounds, and ensure adequate funding is secured for POCTA enforcement agencies undertaking this work.**

Despite opposition by Government Members to the full wording of the above recommendation, the recommendation was passed on the voices with the support of Coalition Members.

The Inquiry into Pounds in New South Wales highlighted the vital role of community animal rescue services in rehoming animals. Many are run by volunteers who are currently confronted by a surge in animal surrenders due to the cost-of-living crisis. The RSPCA, along with other dedicated independent

and community-based charity animal rescue services provide critical animal care and protection services across New South Wales.

The Hon. Rachel Merton MLC  
Member of the Legislative Council

The Hon. Aileen MacDonald MLC  
Member of the Legislative Council

