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To: [Portfolio Committee 8](#)
Cc: [Teneale Houghton](#)
Subject: CM: Re: Pounds in New South Wales - Post-hearing responses - 15 December 2023
Date: Monday, 29 January 2024 6:29:02 PM
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Dear Portfolio Committee 8,

Thank you for the opportunity to give evidence, and to address some supplementary questions.

My replies are as below:

1. I strongly disagree with the statement made by Animal Care Australia, which statement I believe demonstrates limited understanding of the regulatory framework, especially of reg 17(c) approved rehoming organisations.

It is quite an onerous process to obtain and keep approved rehoming organisation registration, which is repeated at each renewal of registration.

The registration and renewal requirements for approved rehoming organisation must be made on the form provided on OLG's website at: www.olg.nsw.gov.au/public/dogs-cats/informationforprofessionals/information-for-animal-rescue-organisations/ and include, *inter alia*:

- Obtaining letters of support from main councils from which the group takes in animals, and the council of the designated primary carer.
- Letter of support from a veterinarian who is prepared to provide services to the organisation.
- Providing lists of foster carers and their addresses
- providing lists of the animals in care and their microchip numbers for checking against the records
- chip numbers of the last 5 animals rehomed for checking against the records
- the organisation rehoming guide and animal management practices documentation
- sample adoption contracts, check lists, surrender forms, records management procedure guides.
- declaration that no members have been convicted of an offence under animal welfare legislation (including POCTA and Companion Animals Act & Regs)

The organisation must have a substantial regulatory and governance structure to be able to meet these requirements, and gain the required letters of support.

The Guidelines governing Rehoming Organisations are comprehensive and are found at: <https://www.olg.nsw.gov.au/wp-content/uploads/2023/12/Guidelines-for-Designated-Rehoming-Organisations-Version-2.0-November-2021-Guidelines-Tab-1.pdf>. It is worth the Committee reading through these to get a feel for the true level of regulation of rescues.

Ongoing requirements include maintenance of a records system kept up to date of the animals in care and rehomed. Updating records at council within 3 days of intake, and within 2 weeks of adoption (in practice, lack of online portal access suitable for volunteers and council delays often make the former time period in particular impractical, but is certainly not 'animals disappearing into rescue' as stated). Requirements to confirm ownership of surrendered animals taken into care (which would be much easier if rescues were allowed limited access to the database to check - as mentioned in my evidence, a mismatch on entry into care of a surrendered animal is a major cause of cascading errors and problems with recordal of transfer at adoption).

Yearly reporting to OLG by 31 July of cats and dogs coming into care and outcomes is mandated, including details for each euthanasia during the year. The reporting is also to be copied to councils the group works with. In practice, the 31 July date is very hard to meet, but failure to comply within a couple of months of that date leads to loss of 17c registration of the group.

The above requirements are substantially more onerous than those for pounds and shelters, and come on top of charity reporting to ACNC and financial auditing requirements to satisfy NSW charitable fundraising registration. In fact, given the comparatively minor benefits of deferring registration fees and free registration for our adopters, many rehoming organisations struggle with the question of whether 17(c) rehoming organisation status is worth the amount of volunteer time it takes.

The approved rehoming organisation registration does NOT exempt rescues from desexing their animals nor from registering their microchip. It merely exempts payment of registration fees.

Whereas pounds and shelters are NOT regulated at all, and breeders hardly (or not) at all.

Pounds have little to no supervision, depending on the attitude of the council. Many councils treat their animal responsibilities as an adjunct to waste management, and may locate the pound at the tip. Pounds do have reporting requirements, due by end of August, which are detailed but are really just finalisation of the monthly figures from the software provided to them. And, as mentioned to several government reviews, the pounds with their paid staff and software are given longer to report than the volunteer organisations. It makes no sense.

RSPCA or AWL may become involved and may conduct site inspection if there is potential major breach of POCTA at a pound or a rescue, but are ineffectual anyway.

The major shelter organisations under s5(1) of the CAA have zero regulation, zero accountability, and no reporting requirements on animal intakes or outcomes. There is minimal voluntary reporting by AWL and RSPCA NSW. Notably RSPCA NSW Annual Report was not published until 1 December 2023, and contains even less animal outcome information than previously - insufficient to judge the performance of the organisation or to mesh with other data. RSPCA Australia normally publishes state branch animal statistics but not usually until about February. And even then it contains less information in important respects than the mandatory reporting of the rehoming organisations, and not enough to build a picture of animals flowing through the system. .

Out of pounds, shelters and rescues, it is actually the community volunteer rescue groups with the highest regulatory burden.

2. The approved rehoming organisations are the most vital link in the pound-shelter-rescue ecosystem. They rehome about as many dogs as the pounds plus major shelter charities together, and the system would break without them. And our volunteers are stretched to the limit. Most of us have paid employment on top of our volunteer duties.

The characterisation of rescues as being unregulated and without oversight - at least compared to the other players in the sector - is incorrect.

The rescues - or at least those with 17c registration - have substantial compliance burdens for community volunteer organisations and have to find time alongside the day-to-day volunteer duties to do compliance paperwork and to go to council to lodge documents. Some groups may cope with some additional compliance measures, many may not. But even some groups quitting under the burden of paperwork, or driving away volunteers, would increase burden on the others and put the whole system at risk.

The pounds and shelters simply cannot operate effectively without the rescues. RSPCA NSW is vacating the sector, having reduced its dog intake by 77%, and cat intake by 60%, since 2012. A substantial number of rescues doing the same risks a domino effect.

Increasing compliance burden is not the answer. Making it easier for rescues to comply with existing requirements and attract volunteers is needed. e.g. the ability to check ownership of surrendered animals on intake, allowing electronic processing of transfers rather than dropping in paperwork to council. Breeders can do electronic transfers, and the major shelter charities have

kept these 'luxuries' despite no longer for the most part operating as pounds. Rescues do not.

There may be room e.g. for a repeat of the declaration concerning POCTA offences etc in the yearly reporting, if that is a concern for some, though on the whole I believe it is overstated. .

In fact, the high compliance burden on the 17c rescues discourages other rescues from seeking registration, so you do have unregulated rescues. And means that government cannot take measures to mandate registration of rehoming organisations. Perhaps there could be a second tier with lesser - but still some - regulation? And additional support for those in the higher tier?

3. As mentioned, the existing regulation of rescue groups is far greater than understood by many without experience in them.

Regulation of breeders - including backyard and 'accidental' breeders - is to me a much higher priority as this is where the problems originate. The pound/shelter/rescue system is being overwhelmed with surrender requests and dumped animals, all of whom have originated from a breeder who takes no responsibility for the problem (and may have profited from it). Fashionable designer breeds are not exempt from this - in fact I theorise that by appealing to owners seeking an 'easy' dog, they seem to attract less committed owners who throw their hands in the air and seek to surrender more readily at first sign of a medical or behavioural problem.

The reductions in pound kill rates over the past decade has coincided in reduction of intake. To obtain further improvement, there must be greater regulation of breeding (both numbers and animal welfare). Previous attempts at regulation have been stymied by lobbying.

As per RSPCA Australia Annual Statistics, RSPCA NSW conducted just 468 routine inspections in the 2021-22 year, or less than 2 a day, across the following categories:

- Abattoirs
- Aquariums
- **Breeding establishments**
- Circuses
- Feedlots
- Guard dog firms
- Intensive farms
- Kennels
- Livestock vessels
- Markets
- Pet shops
- Poultry farms
- Pounds
- Riding schools
- Rodeos
- Saleyards
- Scientific establishments
- Shelters
- Shows
- Tourist parks
- Zoos

This cannot amount to there being very many inspections of breeding establishments.

From my experience on the board of a pound operator, I can say that a substantial proportion of animals arriving the pound are still chipped to the breeder years later. The breeder's number may be disconnected, or even if the breeder is contactable and has the purchaser details on record these are often out of date. Cracking down on breeders failing to register transfers - even issuing fines - would make a big difference to getting animals back to their owners and reducing pressure on overflowing pounds and rescues. Breeders have the advantage over rescues of being able to process their own transfers and are doing so usually for profit; there is no excuse.

Most rescues attempt to take animals they have adopted back into care, even years later, and include this in their adoption contracts, though recently this has become more difficult to fulfil this especially when 'urgent'. There may be some areas for improvement, but mostly it is not the rescues which are the big problem. They are trying to solve problems created by others.

Pounds have no mandated standards and are of highly variable standard, and too reliant on individual employees or volunteers going above and beyond to provide decent care and outcomes. When that person burns out or moves away, they often revert to being substandard.

Ditto for the major shelters - their physical facilities may be better but outcomes poorer than a typical council pound. e.g. when RSPCA NSW took over the pound contract for Cessnock Council over 10 years ago, the dog kill rate increased by half, and the cat kill rate doubled. The demographics and animal population was the same; the organisational policies were different. As RSPCA said to the Newcastle Herald: "We don't usually work with rescue, but there is no law that says we have to." .

On the flip side we are seeing some major councils (e.g. Lake Macquarie) making no effort to adopt out animals themselves, and being 100% reliant on rescue to take animals not collected by their owners. Some regulation preventing this would help - it needs to be a collaborative effort not simply making it rescue's problem. Also some rules around capacity - many pounds are simply too small to allow animals a chance at adoption.

Cracking down on rescues is not going to reduce deaths in pounds. Reducing breeding, and mandating procedures and standards for pounds and shelters - just might.

Thank you for taking time to consider these supplemental submissions.

Geoff Davidson