

Submission  
No 110

**INQUIRY INTO ANIMAL WELFARE POLICY IN NEW  
SOUTH WALES**

**Name:** Name suppressed

**Date Received:** 7 February 2022

---

Partially  
Confidential

**1. Do you have any comments on the proposal to replace POCTAA, ARA and EAPA with a single, modern animal care and protection law?**

*Yes, as mentioned there are other Acts in NSW that relate and the proposed amendments need to support these Act or as is needed in the case of the Companion Animals Act(CAA), needs to be reviewed to focus on animal welfare and the protection of Native Animals. Currently the CAA does not fulfil any aims to protect the welfare of Cats as there is no provision to stop cats from leaving the property on which they are ordinarily kept. As such many cats die each year on roads or through disease or malnourishment, additional these roaming cats decimate already fragile native animal communities with cats being identified as the cause of the decline in key threatened species, both federal and state reports.*

**2. Do the proposed objects clearly and effectively explain the purpose of the new laws?**

*No, it needs to clearly state that permitting an animal to roam without appropriate supervision is considered abandonment. There are severe penalties for dog owners in NSW if their dogs are found unattended or to have been involved in an attack, however no such rules apply to cat owners. Native animals are animals that need to be considered as part of this and permitting cats to roam does nothing to help protect them or ensure their welfare.*

**5. Does the proposed minimum care requirement make it easier to understand a person's obligations when caring for animals?**

*No, as mentioned in previous responses permitting cats to roam is neither responsible or welfare focussed. Permitting cats to roam does not provide for adequate shelter as this can not be managed when away from the property at which they are ordinarily kept.*

**6. Do you have any comments on the proposal to introduce a minimum care requirement?**

*Minimum care requirements are outlined in CAA for dogs however not for cats. This Act or if amended the CAA, needs to treat both dogs and cats equally by ensuring they are under effective control when away from their owner's property. There are multiple offences for a dog found unattended or to have attacked yet no like offence applied to cats.*

**9. Do you have any comments on the proposed new and enhanced offences?**

*The offence of dogs in vehicles needs to be an operator onus offence and needs to be broadened to permit Councils to issues penalties for as they have to deal with dogs virtually on a daily basis. There would also need to be corresponding legislation adopted to permit an authorised officer to break into a vehicle for the purposes of seizing a dog/animal locked in a vehicle with associated protections for said officers who exercise that option.*

**10. Do you have any comments on appropriate exemptions that should apply to the proposed new offence of production or distribution of animal cruelty material?**

*This needs to also include the publication of false and misleading information. This occurs with the trap neuter release people who continually espouse this despite them abandoning animals.*

**15. Do you have any comments on the detailed breakdown of offences included at Appendix A?**

*The offence of abandonment needs to include permitting an animal to roam from its owner's property and to cover the trap neuter release situation as these people are abandoning animals. As the CAA is silent on how cats are to be maintained, having a requirement for a cat to be kept on the*

owners property or under effective control, as with dogs, would prevent the animal being abandoned.

**18. Do you have any comments on the proposal to allow certain appropriately trained LLS or council officers to exercise a limited set of powers to care for animals in critical situations?**

*There needs to be a specific category to permit LLS & Councils to obtain a permit for a licence for a tranquiliser dart gun without having to go through the need to have a commissioner's permit. Where there is a feral animal or unrestrained animal that would be under stress by chasing and trying to capture, the use of such a device would permit a less stressful capture of these animals.*

**19. Do you have any comments on enforcement arrangements for the new laws?**

*I would like to see some limited authority provided to Councils to be able to issue Penalty Notices to people who abandon an animal. There is definition of abandoned in this discussion paper for abandon an animal, and this needs to be adopted by the Act as there are too many 'welfare groups' who are doing Trap Neuter Release in NSW, they are unlawfully trapping cats then abandoning them however noting seems to be done to these people/groups and it seems like it is encouraged in some quarters.*

**21. Do you have any comments on the proposal to amend approved charitable organisation rehoming provisions to align them with the Companion Animals Act 1998?**

*Yes, it needs to be clearly defined somewhere what a feral or infant animal is. While there is provision to deal with feral or infant animals under the Companion Animals Act 1998 s64(2) it is incumbent on a Council to make a policy on this whereas a NSW State wide policy would be a more sensible approach. This would also encourage people to ensure they do not let their animals roam as they may be deemed feral if not microchipped or identified and may face being euthanised. If an animal is not microchipped and identified it can be immediately deemed to be feral and dealt with in accordance with the CAA not requiring a holding period and permitting euthanasia or transfer to a rehoming organisation.*

**29. Do you have any other ideas or comments for the new laws that were not specifically considered in this Discussion Paper?**

*- The new laws need to support and add value to existing laws. The CAA is one such Act that does not treat dogs and cats consistently and does nothing to promote the welfare of native animals or the cats themselves. The Office of Local Government requires local government agencies to lodge, on the Companion Animals Register, a record of every dog attack that is reported however no such requirement applies for cats. Under s32 of the CAA one of the only reasons a cat may be seized is 'for the protection of any person or animal (other than vermin) from injury or death' which if it were a dog may be declared menacing or dangerous. A record of cats seized under s32 needs to be mandated so that factual statistics regarding cat attacks can be collated to provide a meaningful review of the CAA. Similarly when we speak of animal welfare, s30 outlines Councils' ability to prohibit cats from being in designated Wildlife Protection Areas however the section goes on to state that the reason for seizing a cat in a Wildlife Protection Area is 'for the cat's own protection'. A zone set up to protect wildlife from cats restricts regulatory bodies from seizing cats unless its for the cat's protection, not for the protection of the wildlife. I would not consider this to be welfare focussed.*

*- A similar review needs to be done on the CAA with consultation to be prioritised on feedback from council who have to enforce this legislation as there has been too much emphasis on input form*

*interest groups who have brought about a piece of legislation that has too many grey areas and is unworkable in others.*

*- This new law needs to define abandonment to include 'to allow a cat to leave or escape from the property at which it is ordinarily kept' as there are already rules for dogs, this would help encourage cat owners to be responsible for their animals.*