

INQUIRY INTO POUNDS IN NEW SOUTH WALES

Name: Name suppressed

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Partially
Confidential

My name is _____ I have worked in the local government animal management sector for nearly 20 years. The responses to the relevant terms of reference will be address with each individually.

If the opportunity arose I would be more than happy to give evidence at a hearing.

(a) resourcing challenges affecting New South Wales pounds, including the adequacy of funding given towards the operation of pounds by local and state governments

Councils across NSW are currently at or near their capacity due to the number of abandoned and unwanted animals being left at these premises. The cost of maintaining these facilities to an appropriate standard while also caring for animals that in many cases will not be rehomed, is placing a large financial burden on rate payers.

(b) the adequacy of pound buildings and facilities in New South Wales

It has been suggested to the local government peak body that there is a genuine need for there to be regional facilities created to deal with these animals. While some councils run their own facilities, these are no longer adequate to hold the numbers of animals that are being abandoned each year. Even with the development of the new Blacktown facility, it is unable to cope with the number of animals that are abandoned and have little to no prospect of ever being rehomed.

(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

With animal care facilities at or near capacity and the unrealistic 'getting to zero' campaign that is espoused across the sector, there are animals being held at facilities for extensive periods of time with little to change of ever being rehomed.

(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

No response

(e) factors influencing the number of animals ending up in New South Wales pounds, and strategies for reducing these numbers

Despite ongoing calls on successive NSW state governments by councils across NSW for more than a decade now, nothing has been done to address the issue of roaming cats. The Companion Animals Act (the Act) is silent on the responsible management of cats by their owners however is extremely prescriptive about the control of dogs.

While this question relates to the numbers of animals entering pounds, it must be noted that there is no provision to record the numbers of animals that are collected by councils each year that are reported being found deceased on public land, primarily cats. As there is no prescribed requirement for cat owners to responsibly manage their animals as there is

for dog owners, the rate of cats being reported deceased and entering pounds will continue unabated until dogs and cats are treated equally under the act in relation to their control.

Without adequate legislative deterrents the number of cats entering pounds will continue and possibly increase. While I do not have access to the reporting statistics that the Office of Local Government has in relation to the number of animals entering and exiting facilities, anecdotally the number of cats entering pounds and not being able to be rehomed or returned to their owners, would far exceed that of dogs.

Currently NSW and Tasmania are the only states that do not have legislated cat containment or permit councils to develop local laws to allow cat containment. Organisations such as the RSPCA (<https://www.rspca.org.au/blog/2022/what-do-i-do-if-my-cat-goes-missing>), Cat Protection Society (<https://catprotection.org.au/responsible-cat-ownership/>) G2Z (<https://www.g2z.org.au/cat-containment.html>) promote cat containment as a key method of ensuring the welfare of cats themselves while helping to reduce the impact when they roam.

Research released by the CSIRO (<https://www.publish.csiro.au/wr/fulltext/wr19174>) also provides evidence of the impact of roaming domestic cats and indicates the positive effect containment has on both the welfare of the cat and on native animal colonies that are impacted by cat predation.

Trap neuter release (TNR) is a short sighted and must not be viewed as a viable option in Australia due to the impact roaming cats have on native animals. As has been claimed in some sectors that cat containment would not be effective as it does not deal with unowned cats, TNR would not be effective unless all unowned animals could be neutered at a similar time and owned cats were also required to be neutered and prevented from roaming.

Not only does TNR do nothing to promote the welfare of native animals, it appears to be a breach of the Biodiversity Conservation Act 2106 (NSW) Section 2.6 that indicates that it is an offence to liberate an animal (including a cat) similarly it can be argued that it also breaches the Prevention of Cruelty to Animals Act(NSW) 1979 section 11 that indicates that an animal shall not be abandoned.

The key point is that necessary legislative provisions need to be adopted to;

1. Treat dogs and cats the same under the Act so that if the animal is away from its owner's property then it must be under effective control, and
2. Have associated penalties for failing to observe these laws.

Currently there is no incentive for cat owners to responsibly manage their animals and no deterrent for allowing their cats to roam, kill other animals or negatively impact on the amenity of neighbours.

(f) euthanasia rates and practices in New South Wales pounds, including the adequacy of reporting of euthanasia rates and other statistics

While animal welfare is a key part of this review there needs to be a realistic understanding that some animals will never be rehomed and imposing a cost burden on rate payers of NSW to keep these animals in captivity until they die is neither reasonable or fair on the animals.

We are seeing rehoming and welfare organisation inundated with abandoned animals and being unable to rehome them, councils need to have the ability to responsibly euthanise animals that are unlikely to be rehomed without the fear of persecution or vilification by anyone operating under the guise of animal welfare. A logical balance needs to be reached to ensure that animals are not just being kept alive for the sake of it where they are going to end up dying in pound captivity.

Media stories that appear to label councils as heartless and wanting to kill animals such as in <https://www.dailymail.co.uk/news/article-11636669/Hornsby-Shire-Council-slammed-euthanising-cats-deemed-feral.html> and <https://www.smh.com.au/national/nsw/pointless-killing-councils-labelled-cruel-amid-heated-debate-over-threat-cats-pose-to-native-wildlife-20221206-p5c487.html> do nothing to help develop logical legislation. Using emotional tactics to divide opinion leads to misguided and ineffective policy. The policy direction adopted by Hornsby Council does not change the outcome for the seized cats, it just means they are not kept in confinement for longer that is reasonable.

I am unaware of any funding being proposed from the state government to resource councils to keep any animals that are not able to be rehomed indefinitely. Councils are not equipped financially to keep such animals long term and rehoming organisations are mostly at capacity.

(g) the role and challenges of behavioural assessments in New South Wales pounds

While it is clear that behavioural assessments are generally conducted for dogs to ensure they are suitable for rehoming, the same is not applied to cats. Where it is clear that a cat cannot be rehomed or homed, why does the Act force council to hold that animal for 7 days before it can be humanely euthanised? This costs councils a large amount of money each year when the outcome of the animal will be the same.

(h) the relationship between New South Wales pounds and animal rescue organisations

No response

(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

The main challenge is that there is no deterrent or legislative requirement under the Act for cats to be contained or desexing to be compulsory in most circumstances. As such roaming cats frequently are responsible for unwanted litters of cats that then compound the already difficult issue.

The issue will continue unabated until councils are given the ability to responsibly manage unowned cats without the threat of being persecuted and vilified openly. The financial burden that holding unowned animals indefinitely if unreasonable and keeping these impounded animals is not welfare focussed.

Cat containment and regulatory powers to issue fines to owners who permit their cats to roam need to be part of any legislative amendment otherwise this Inquiry, as has been the case with numerous other investigations into the impact of cats, will result in no action being taken and we go through this process again in the future.

(j) strategies for improving the treatment, care and outcomes for animals in New South Wales pounds

Councils need to have it legislated that animals that are unable to be rehomed may be humanely euthanised. Councils can not continue to be burdened with this ongoing cost, I would be interested if the NSW State Government would find holding animals indefinitely at the cost of the tax payer was a responsible use of taxes.

(k) any other related matter.

Native animal welfare not a key consideration of companion animal legislation - Sadly the bigger picture of the impact that roaming cats has on native animal populations and welfare is missed in this entire debate. Section 4 of the Companion Animals Act indicates that *'It is declared that the protection of native birds and animals is an objective of animal welfare policy in the State'*, yet despite numerous reports and scientific findings that cats negatively impact on native animal colonies, the Act does not provide any support to this section of the Act.

Similarly a somewhat contradictory situation exists under Section 30 of the Act, in particular the following;

*30(1)(b) **Wildlife protection areas** (meaning any public place or any part of a public place set apart by the local authority for the protection of wildlife and in which the local authority ordered that cats are prohibited for the purposes of the protection of wildlife and in which, or near the boundaries of which, there are conspicuously exhibited by the local authority at reasonable intervals notices to the effect that cats are prohibited in or on that public place).*

30(3) Any person (including an authorised officer) may seize a cat that is in a place in which cats are prohibited under this section for the cat's own protection.

A wildlife protection area is for the protection wildlife, yet in the same section it indicates that if a cat is found unattended in such an area that it may only be seized if it is for **the cat's own protection**. Clearly there is an issue here that the welfare of the animals that the wildlife protection area was set up to protect is not being considered here as it is the cat's welfare that is only being considered.

Companion Animals Act not applied consistently - Why are the rules different

<https://www.smh.com.au/environment/sustainability/when-the-cats-are-outside-the-wildlife-can-t-play-20230222-p5cmh4.html> cats are not a 'convenient scapegoat' as can be seen by the lack of action by successive state governments, nothing has been done to address any issues that roaming cats cause. Many cat owners believe that allowing their cats to roam is their right and that the safety and welfare of native animals should not also be a right if it means their cats have to be contained.

Under the Act there is a clear definition of what constitutes a Dangerous or Menacing dog, which are;

Dangerous - 33(1) (a) has, without provocation, attacked or killed a person or animal (other than vermin), or (b) has, without provocation, repeatedly threatened to attack or repeatedly chased a person or animal (other than vermin),

Menacing – 33A(1) (a) has, without provocation, attacked or killed a person or animal (other than vermin), or (b) has, without provocation, repeatedly threatened to attack or repeatedly chased a person or animal (other than vermin),

33A(4) For the purposes of this section, a **serious injury** includes any of the following—

- (a) any injury that requires hospitalisation of a person or animal,
- (b) a broken bone that requires medical or veterinary attention,
- (c) a major laceration (that is, a wound caused by the tearing of body tissue or by multiple punctures caused by more than one bite from a dog) that requires medical or veterinary attention,
- (d) a partial or total loss of sensation or function in a part of the body that requires medical or veterinary attention,
- (e) any other injury requiring medical or veterinary attention, of the same level of seriousness as the injuries described in paragraphs (b)–(d),
- (f) an injury that requires a person to have cosmetic surgery.

One of the very few reasons that a council officer can lawfully seize a cat is because it is to protect a person or animal from injury or death, yet there is no offence if a cat acted in this manner.

There needs to be legislative amendment made to ensure that if an owned cat is involved in an attack, as the definitions for dangerous and menacing are quite clear, the same must apply to cats.

Councils across NSW have numerous cat attacks reported to them each year yet there is little councils can do to investigate these. Unfortunately despite requests to the Office of Local Government, there is no ability to record and report on cat attacks in council areas in the same way there is for dog attacks. As such there is no information that can be sought from this organisation to provide meaningful statistics to permit a logical and necessary review of the Act.

Were the government to seek statistical data from councils about the number of cats, that are involved in incidents that if the definitions of menacing and dangerous were applied, would reveal that there are possibly in excess of 20 incidents that would fit the menacing or dangerous definition to every reported dog attack. The reporting information provided to the OLG is not accurate as all dog attacks need to be reported even if after investigation a dog attack could not be verified, which skews the data, yet no data is collected for cat attacks.

Disease transmission from cats to humans – Toxoplasmosis that is caused by infection of humans by the *T. gondii* parasite can cause significant health issues to humans and can be carried by cats. The risk that is created by roaming cats that defecate in other people properties and on public land has the potential to pose a risk to anyone. The cat protection society site explains some on the risks associated with this <https://catprotection.org.au/cat-care-factsheets/factsheet-toxoplasmosis/> as does a report in the Science Daily site

<https://www.sciencedaily.com/releases/2012/12/121206203240.htm> . Additionally the risk to native animals also is a risk as outlined in the document from Wildlife Health Australia https://wildlifehealthaustralia.com.au/Portals/0/Documents/FactSheets/Mammals/Toxoplasmosis_of_Australian_Mammals.pdf as well as a report by the Threatened Species Recovery Hub outlines the financial cost <https://www.nespthreatenedspecies.edu.au/media/b5afaqcb/1-1-cat-dependent-diseases-cost-australia-au-6-billion-per-year-through-impacts-on-human-health-livestock-production.pdf>