

**Submission
No 22**

INQUIRY INTO POUNDS IN NEW SOUTH WALES

Organisation: Blue Mountains City Council

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Office of the Chief Executive Officer

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Hon. Emma Hurst – Chair – Inquiry into pounds in New South Wales

Via online submission:

<https://www.parliament.nsw.gov.au/committees/inquiries/Pages/lodge-a-submission.aspx?pk=2970>

Cc: Trish Doyle MP, Member for Blue Mountains by email:

SUBJECT – Submission to the Pound Legislative Council Inquiry

Thank you for conducting an inquiry into animal impounding services in New South Wales. For Blue Mountains City Council and our community, this inquiry is timely. Equally, the Inquiry's terms of reference are relevant to the challenges faced in the Blue Mountains.

The Legislative Council Inquiry coincides with the decision by the Royal Society for the Prevention of Cruelty to Animals NSW (RSPCA NSW) to withdraw from its partnership with Council to provide animal impounding services within the City of the Blue Mountains. This withdrawal is a process being undertaken by the RSPCA with councils across the State. In the case of the Blue Mountains the relationship with the RSPCA and the community extends back some four decades. In order to meet its legislative obligations the Council now needs to establish and operate an impounding service, which is a further resource demand on its community.

Our submission is structured by the terms of reference and each is addressed in turn:

Inquiry into pounds in New South Wales 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.

Substantial resourcing challenges are relevant to the Blue Mountains. The Blue Mountains community has championed animal welfare for the past forty years. Such is the commitment that RSPCA local branch volunteers secured a site in Katoomba by donated bequest. The Mort Street property has facilities, many of which have been built by the volunteers themselves, and with the expectation that these facilities had been secured in perpetuity for the future of animal welfare in the Blue Mountains.

Despite the long-term relationship from Council and volunteers with RSPCA NSW, (to whom the Mort Street site was bequeathed in the 1980s), on 5 July 2023 RSPCA NSW withdrew from



impounding/animal management services contracted to Blue Mountains City Council with a deadline for ceasing operations by 5 July 2024.

This was a shock to both Council and the community as the RSPCA NSW had previously informed Council in writing in February 2023 that the current animal management services deed would be honoured until June 30, 2026, and may be extended for a further three years until June 30, 2029.

Cessation of services by RSPCA NSW leaves BMCC with an almost insurmountable resourcing challenge (beyond an annual recurrent budget for the current contract of circa \$130k) to establish an alternative site and facilities. Such capital expenditure is estimated at \$4.4 million. In addition, purchase of suitably zoned land for such a site is estimated at \$3-4 million.

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

Regarding the Mort Street facility at Katoomba there is mix of newer facilities and ageing infrastructure. The need for upgrade is evidenced by a recent development application submitted by the RSPCA NSW and approved by the Local Planning Panel for additions and alterations to an existing RSPCA animal shelter in 2023. Value of works is stated as \$4.4 million. RSPCA NSW has informed BMCC their "book value" for the site is \$2.8 million. Clearly Council and the community are not in a position to resource \$7.2 million in order to continue fulfilling their statutory obligations (under Companion Animals Act 1998) nor their ethical commitment to animal welfare across the City.

(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

Whilst the numbers of cats and dogs being impounded in the Blue Mountains is trending down the operating costs for such a service are largely the same for 100 or 1000 animals per year. Provision of the above services can be restricted or marginalised by a lack of available and ongoing funding. Proactive programs to expand the desexing and microchipping of animals (particularly for people experiencing financial hardship) are effective but again reliant on recurrent funding, and availability of qualified veterinary practitioners in the area.

(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.

In general dog management laws and regulations are considered fit for purpose and adequate, however cat management requires stronger focus on cat containment policy and law to minimise roaming cats having an adverse impacts on wildlife.

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

In the Blue Mountains a number factors influence the number of animals ending up in impoundment:

- Cost of living pressures, including restriction of rentals where pets are permitted.
- Lack of places to surrender animals other than pounds when owner's circumstances change (rather than animals being lost or orphaned/abandoned).

Factors that have contributed to a reduction in impoundments (mainly for dogs) is an increase in number of animals registered and microchipped allowing rangers to return animals to their home rather than impound them as a matter of course. Social media also plays a role, allowing community to self-regulate return of animals before impoundment. The popularity of working from home following COVID 19 lockdowns and flexible workplace strategies enables closer supervision of animals during the day.

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

Euthanasia rates are low in the Blue Mountains, and the current reporting regime is considered adequate. We attribute this result to implementation of our long term Companion Animal Management Plan (CAMP).

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

Staff review of some behavioural assessments submitted to Council are exceptional in quality and insight. Unfortunately, there is a large range of quality of reporting with some author qualifications questionable and obvious bias towards personal opinions on animal welfare. Standardisation and auditing of such reports would be an improvement.

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

As outlined in a) the current relationship between BMCC and the premier animal welfare organisation in NSW, RSPCA NSW has declined. This is a disappointing end to forty years of collaboration and high-quality animal welfare across the city. From Council's perspective low levels of trust, integrity, poor business planning and communication have compromised the relationship.

The current withdrawal of RSPCA NSW from animal management services for the Blue Mountains community and intimation that Council could buy back the Mort Street, Katoomba facility for \$2.8 million 'book value' is untenable. The notion that a property bequeathed by the community for a prescribed purpose should now be bought back by the Council on behalf of the community for that same purpose fails any public interest test.

It is clear to the community and Council that the only ethical option for RSPCA NSW is to hand back the property for animal welfare purposes only as it was bequeathed in good faith originally.

(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

In the Blue Mountains challenges of homeless cats take the following form:

- Determining the source of supply of cats
- Being able to manage animal hoarders and breeders effectively.
- A low reclaim rate compared to impounded dogs.
- High numbers of cats requiring re-homing
- Often poor health of strays and subsequent higher veterinary care and sustenance costs

Current education and grant incentive schemes to keep cats safely at home is seeing some promising results, and potential obligation to do this linked to cat registration is worth further consideration.

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

Beyond ongoing educational programs in this space, funding is the key for any improvements in this area. Focusing funding on proactive approaches will be efficacious, compared to reactive spending to deal with the abandoned animal/impounding end of the process.

(k) any other related matter.

Re-homing groups and individuals appear to often have little to no oversight/accountability of their activities, which can lead to re-homing of animals with questionable behavioural issues. Coupled with re-homing occurring with clients not equipped to care for or manage a dog, recidivism is inevitable. Recent trends indicate “rescue dogs” are appearing in higher numbers in attacking/aggressive dog incidents in BM LGA.

Some pounds in other LGAs are releasing dogs to re-homing groups or individuals with unacceptable behavioural issues which penalises new owners and may lead to incidents that threaten public or owner safety. Clearly this is a policy and regulatory area that requires revision to enhance the safety of the community.

Staffing for pounds is challenging. High turnover of staff, likely based on poor remuneration and incidents related to animal management with poor standards of training. Despite being a requirement under animal management services contract with RSPCA NSW, ranger staff from Council are regularly called in to assist with handling dangerous dogs as staff are ill equipped to deal with them directly.

Conclusion

Like other councils, Blue Mountains City Council faces challenges in the provision of impounding services. The withdrawal of RSPCA NSW as a service provider is suggestive of the underlying feasibility challenges of providing these services. This is not just a question of meeting legislative requirements of councils. There is an expressed expectation of community for fit-for-purpose facilities to be established and operated across NSW.

For decades organisations like the RSPCA have relied on the generosity of communities to fund their activities through bequeathing property, as in the case of the Blue Mountains, and donations and volunteering to ensure adequate operations and even build facilities. These options are less available for councils. With the RSPCA having withdrawn its impounding services, there is a gap in the market and alternative models are required by government to fund suitable facilities that meet the community expectations for the care of animals.

Serious consideration needs to be given to identifying a financially sustainable model for provision of required pound services.

In the Council’s submission, the NSW Government should be called upon to establish a suitable funding model to support councils in providing this service for the community. In effect the Council supports the regulatory framework for companion animals but in turn requires the NSW Government to support councils in meeting shared statutory obligations.

Should you need to contact us about this submission please contact William Langevad – Director Environment and Planning Services.

Yours faithfully,

Dr Rosemary Dillon
Chief Executive Officer