

**Submission  
No 70**

## **INQUIRY INTO POUNDS IN NEW SOUTH WALES**

**Organisation:** Wollongong City Council

**Date Received:** 18 August 2023

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Department of the Legislative Council  
Clerk of the Parliaments, NSW Legislative Council  
NSW Parliament House  
6 Macquarie Street  
Sydney NSW 2000

Our Ref:  
Date:

24465576  
18 August 2023

Dear Sir/Madam

## **SUBMISSION INQUIRY INTO POUNDS IN NSW – AUGUST 2023**

Thank you for the opportunity to provide feedback on the operation of pounds in New South Wales (NSW). Wollongong City Council would like to share its experience with regards to items (a) and (b) in the Terms of Reference.

### **Item (a) Resourcing Challenges including the adequacy of funding towards the operation of pounds by local and state governments**

#### *Lack of impound service capacity across NSW*

With the decision by RSPCA to withdraw services to NSW councils, Wollongong City Council has spent the last 18 months working through a procurement process to identify an alternative service provider and facility.

As part of this process, Council staff contacted kennel establishments and councils across the Greater Sydney area, with a particular focus on southwest Sydney, the Illawarra and Sutherland areas, and no sites with capacity were identified.

Should Council consider establishing its own greenfield site from which to operate its animal impounding service, the indicative cost of a facility large enough to cater for demand from our community is likely to cost \$5M (excluding land cost) and have an estimated build time of 3 years. This cost/project is not currently identified in Council's Infrastructure Delivery Program.

Discussion with numerous service providers and councils is that there is a significant resource/capacity shortage of impounding facilities across NSW. This challenge is compounded by the population growth across Sydney and the likely increase in companion animal population. The new rehoming measures which require animals to be held for a longer period will also impact the capacity of existing facilities and potentially require additional capital investment at significant cost to councils.

To assist in addressing this capacity shortage it is recommended that grant funding be made available to NSW councils for the construction and/or purchase of animal impounding facilities with incentives provided to shared facilities between neighbouring councils.

#### *Increased Operational Costs – Companion Animals Act 1998 - Animal Rehoming*

Wollongong City Council estimates that 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.

The enactment of the Companion Animal Rehoming Bill 2021 has also resulted in a new set of challenges regarding the management of aggressive dogs that are not deemed suitable for re-homing. Within Council facilities, instances arise where certain dogs with aggressive behaviour are impounded. These dogs, despite being aggressive, are not declared as Dangerous or Menacing dogs at the time they are impounded. The existing process, as outlined in the Act, mandates that these dogs must still be presented to rehoming organisations.

Wollongong City Council maintains the position that this process poses a significant risk to the community and conflicts with Council's commitment to ensure public safety in matters of companion animal management. While an option exists for the Council to declare these dogs as Dangerous or Menacing, thereby preventing their rehoming, such a course of action entails a considerable amount of administrative workload. This consequently exerts pressure on operational expenses and resource allocation.

Wollongong City Council advocates for a review of this specific section within the Act, proposing that a temperament assessment conducted by a qualified individual be deemed a sufficient rationale for withholding the rehoming of aggressive dogs. It is acknowledged that certain dogs may indeed be rehabilitated, however, it is unrealistic to expect such rehabilitation to take place within the confines of the impoundment period and to a degree that effectively mitigates the potential risk to the community.

The stance of Wollongong City Council is that any dog considered suitable for re-homing should undoubtedly be afforded that opportunity, although not at the expense of compromising the safety and well-being of the community.

To assist councils in offsetting this increased cost and its impact on the community, Wollongong City Council recommends a review of the current Companion Animal Act 1998 funding arrangements. It is suggested that the current 80:20 apportioning of animal registration fees be revised to 90:10 in councils' favour.

It is also important to note that any changes to the Act that will require councils to undertake additional duties, including administrative work, when it comes to companion animal management, will have further impacts on councils' operational expenses and resources and this needs to be considered if or when these amendments are made.

#### **Additional commentary – Stray and roaming cats**

Wollongong City Council acknowledges that the issue of cat containment may be outside the terms of reference of this inquiry, however it is an issue of increasing concern and interest for our community.

At present, there is no requirement or legislative framework within the Companion Animals Act 1998 for cats to be contained within a property. Wollongong City Council is aware of several jurisdictions including the ACT who have implemented cat containment requirements within their respective companion animal legislation.

Wollongong City Council is currently of the view that introducing cat containment by-laws under the Local Government Act 1993 would be ineffective and not appropriate. Council would be interested however in further discussion with the State Government and the Local Government sector about amendments to the existing Companion Animals Act 1998 that provide for cat containment laws. It should be noted however that any such requirement will increase the need for additional compliance activity and costs. Mechanisms for cost recovery for Local Government would need to be provided for as part of any proposed changes.

Thank you for the opportunity to provide a submission as part of this inquiry. Please contact Corey Stoneham – Manager Regulation and Enforcement should you wish to discuss further.

This letter is authorised by

Corey Stoneham  
**Manager Regulation and Enforcement**  
Wollongong City Council