

## INQUIRY INTO POUNDS IN NEW SOUTH WALES

**Organisation:** Narrabri Shire Council

**Date Received:** 18 August 2023

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Partially  
Confidential

Our Reference: 2088388 DA:LB  
Your Reference:  
Contact Name: Mr Landon Brady

Inquiry Secretariat Portfolio Committee no. 8  
Pounds in New South Wales

Friday, 18 August 2023

**Re: Submission for Inquiry into Pounds in New South Wales – Officer Submission  
(Confidential)**

Dear Parliamentary Committee,

On behalf of Narrabri Shire Council's (*Council*) Regulatory Services Team, an officer-level submission to the Inquiry into Pounds in New South Wales is made herewith.

As background, Council comprises thirteen thousand square kilometres and has a total of eight towns and villages within its LGA. Thus, Council is responsible for carrying out the regulation of the Companion Animals Act over an enormous number of animals. Aside from the vast area and number of animals that we regulate, as a regional Council we consistently face resource challenges due to our isolation of services, funding, and available skills base.

This submission addresses all eleven items nominated in the corresponding terms of reference, as follows:

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

The operations of a Pound extend much further than feeding and exercising animals daily and resources stretch more than the time and money it takes to complete these basic functions. When considering the resources element, it is respectfully requested that the Committee consider a range of influencing factors, which include, but are not limited to, lack of tradespeople in regional NSW to complete construction and maintenance of facilities, absence of professional training to adequately care for animals, the current deficiencies of professional veterinary care and vastly inadequate funding to provide the level of care required.

Additionally, there is a significant funding shortfall and associated support to satisfactorily address the key underlying issues associated with the number of animals ending up in NSW pounds, including accessible desexing programs.

The consideration made to distances of travel to adequately rehome animals has been non-existent since the initial introduction of the legislative reform program. In respect of the many rescues that are able to accept animals from our facility we are left caring for them for extended periods of time. Accordingly, there is a considerable drain on resources due to the lack of



  
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appropriate transport in rural areas. With distance comes cost and time, of which many volunteers do not have, and funding simply does not supply. Resource challenges are also expressed throughout other terms of reference items that will be further addressed throughout this submission.

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

The adequacy of pound facilities is less than desirable given the lack of funding available to construct and maintain such a facility. These types of assets remain a financial drain on Councils and also sees no contribution or incentive from the other responsible tiers of government. In the past year the Narrabri Shire Council facility has experienced severe insufficiencies in holding capacity due to a range of reasons including; the amendments to the Act that have created longer impound periods for animals that choke up resources, the closure of eight RSPCA facilities across NSW creating a bottleneck effect for Council pounds, and finally the animals purchased during the Covid pandemic that are now being progressively surrendered in ever increasing numbers

The amendments made to the Companion Animals Act have not only created significant and unmanageable capacity issues at our impound facilities but have also caused extreme health and safety issues for both staff and animals. In many cases we are having to pen together more than one dog and cat, simply because we have inadequate capacity and cannot move animals on to homes. This untenable arrangement is causing severe cases of distress in animals as well as unacceptable staff health and wellbeing concerns from attacks and challenging handling issues.

**(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.**

Rural and regional Councils across NSW are all experiencing major staff shortages and for those teams responsible for managing animal impound facilities, finding staff that can adequately care for animals is an even greater challenge. For many of these Council staff the regulatory function of the Companion Animals Act is not their only function, as is several other Acts. This provides limited time to be spent at pounds to provide care extending beyond necessities of feeding, watering, cleaning up after and providing basic exercise.

The Act does not account for animals that come into our care where our facility is causing mental health issues on the animal. An example of this is cats that are not considered feral but are stray that have never lived inside or in a cage. For the weeks that these animals are in our care, the unfamiliar space they are kept causes signs of severe distress, aggression, and abnormal behaviour. Similarly, we have had dog breeds in our care that need constant stimulation that we cannot meet and dogs that have never been socialised and are experiencing extreme anxiety. When kept in our facilities, for sometimes months, it has led to severe cases of self-harm that resulted in euthanasia.

Veterinary treatment is provided on an 'as needed' basis, due to limited and/or general absence of funds allocated to desexing of animals. This means that the number of animals coming into our facilities is growing exponentially. Animals that are transferred to rescue organisations then become responsible for routine veterinary treatment that can potentially be avoided. Anything in excess

to basic bedding (being rubber matting) is provided as donations, and with our remote location many animal-based charities are too far out of reach for us to receive these donations.

**(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.**

The amendments to the *Companion Animals Act 1998* have been a major contributor to the strains faced by pounds, particularly those in regional/rural areas. Prior to the amendments, Council staff in regional areas made more than reasonable attempts to rehome animals in pounds. This was based on the animal's suitability to be rehomed, which ensured Council staff safety, animal safety, animal transport company safety, animal receiver safety as well as new owner safety. Amendments to 64B of the *Companion Animals Act 1998* undoubtedly put staff across the Companion Animal sector in unnecessary danger by requiring animals be held until 2 written rejections are received.

Removal of Authorised Officer powers of judgement regarding animal behaviour consequently removes their ability to ensure not only their own safety, but also the safety and welfare of the animal. Animals deemed unsuitable for rehoming are generally those who, whilst do not have a physical medical condition permitting the use of euthanasia, suffer from anxiety and exhibit consequent fear aggression towards a variety of situations. This makes behaviour unpredictable, puts a variety of personnel in danger and is placing the dog under unnecessary stress for longer periods of time due to the legislative amendments.

The lack of holistic consideration, knowledge, perspective, and experience in Council Pound operations is clearly evident in the amendments made and need to be a highlighted feature of the inquiry. Had there been meaningful, independent consultation with all Councils these changes would have never been enacted and instead the legislative tools would better support Council's to carry out meaningful and effective work. A call for legislative tools that assist Council officers in achieving compliance is needed. Penalty infringements are currently not working for companion animal owners that display repeat non-compliance and disregard for responsible pet ownership. New mechanisms to achieve compliance need to be established following an appropriate consultation period.

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

The animals ending up in NSW pounds are commonly from lower socio-economic areas, where public housing owned properties do not have adequate fencing/containment. Funds to desex animals within our socially vulnerable communities are rarely afforded. As a result, animals are found straying during animal heat periods, producing unwanted litters that are unable to be contained and cared for effectively, and the cycle continues. These areas of our LGA are most commonly social housing tenancies, which have a lack of fencing or fencing that is insufficient to keep animals effectively contained. This factor alone further exacerbates the number of animals straying, and thus ending up within the NSW pound system.

The legislative tools afforded to us to enforce compliance for those that continue to breed or re-offend are limited to penalty infringements. Penalty Infringements are only effective some of the time for those that have consideration for monetary value, however in most cases the financial penalties imposed are ineffective in achieving continued compliance. If State Governments are not willing to carry out legislative action, by introducing control orders on irresponsible pet owners, then unfortunately the pressure will continue to be placed on our pound system in NSW.

Council's need a more effective and sustainable way to incentivise the desexing of animals and cease creating penalties such as late fees and desexing after six months for those that have desexed at any stage. We want to encourage desexing for all, every time.

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

Accurate behavioural assessments within pound environments are almost impossible. This is due to the variety of stimulants in pound environments that will result in behavioural presentations not being a true representation of the animal's character. These assessments and the ability to gain information from behavioural presentations forms the major component of acceptance by rescue

organisations. Behaviours such as fear aggression and redirected bites are mainly due to the 'pressure cooker' environment that is any over-capacity pound but will result in a rejection from rehoming bodies.

Instead of mandating rehoming of all impounded animals, to combat unnecessary euthanasia, behavioural training for staff (and the supporting funds to provide this) should be granted to Council staff responsible for pound operations. The lack of accreditation or guidelines around behavioural assessments means we are sending every animal to rehoming organisations regardless of safety because the liability to euthanise an animal based on an inaccurate assessment is too high. The Act also needs to recognise the accreditation or professional opinion of our staff if it were ever reviewed in a Court environment, or the Coroners Court in severe cases, as this is the liability that looms over operational staff when making decisions.

The application of accreditation or guidelines will result in a two-fold effect, more accurate behavioural assessments, and the filtering of animals suitable versus unsuitable for rehoming to ensure safety of persons and animals. Consequently, unnecessary euthanasia, which appears to be the key concept associated with the implementation of Section 64B will be addressed in a functional way that reduces the backlog and strain currently being inflicted on Council staff and consequently the companion animal chain wholly.

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

The relationships between NSW pound operators and rescue organisations are dependent solely on the staff responsible for collaboration. Narrabri Shire Council officers have outstanding partnerships with a large number of organisations however it has taken a number of years to formulate stakeholder partnerships. Our strong partnerships are founded on staff trained in behavioural assessments, and consequent accuracy of information provided to rescue organisations which ensures animals accepted are as they have been depicted by our staff. Undoubtedly, the amendments to the Companion Animals Act have placed unnecessary strain on these partnerships, as rescues have become morally responsible for the outcome of animals based on second hand behavioural assessments by pound operators, admittedly some of which who lack training, experience, or qualifications to make accurate assessments of animals.

Consequently, as pound operators, it is common for rescues to ignore Council requests for acceptance of animals due to the fact that they are over capacity themselves but do not want to be responsible for a formal rejection, resulting in increased holding time for animals that may be unsuitable for rehoming and consequent detriments to animal welfare.

Whilst the relationships are generally good, many people involved are volunteers from several different parties. The pressure placed on volunteers to make key decisions in the lives of animals is unnecessary and the legislative updates have not regarded the operational effect they have had on these volunteers. This often creates angst or frustration between Council's, rehoming organisations, transport companies, foster carers, and vets, that challenge the relationships.

**(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 number of unowned cats within Narrabri Shire Council's LGA is currently at an unmanageable level. Our officers have recently established a discounted desexing program for pensioners who own cats, as well as for members of the public feeding unowned cats, however the benefits of this program will take some time to become evident and without the support of further funding it may be ineffective in combating the extent of the problem and unsustainable in the long term.

Councils are looking for a clear definition of what constitutes ownership of a cat as many more cats are not microchipped or registered in comparison to dogs. A reoccurring issue is community members feeding cats, which increases breeding, but deny ownership as they did not physically purchase the cats. These cats create colonies near food sources and thus continue to breed because no one takes responsibility for ensuring they are desexed. This also applies to cats that are not declared feral but are not necessarily suitable to be rehomed, what constitutes the difference in determining and impounding for long periods of time.

The environmental impact on native fauna populations of feral cats and cats roaming freely is also well documented and requires acknowledgement.

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

Council facilities and staff resourcing is not sufficient in maintaining quality care outcomes. Facilities seem to be consistently behind the care requirements specified by the guidelines due to lack of funding and the time it takes to construct adequate facilities or carry out maintenance due to lack of tradespeople in regional NSW. Even prior to the amendments, regional pounds have always been insufficient but what would like to be conveyed is that these amendments have only increased pressure on an already failing system. An increase in funding that matches the requirements of facilities, staff training, education programs etc. that are placed upon Councils would be recommended.

Finding a way to incentivise or mandate consistent and reliable desexing programs for both dogs and cats would be beneficial in ensuring dogs don't continue to end up in Council Pounds and the welfare issues relating to continuous breeding is not inflicted.

**(k) any other related matter.**

During the process of this important Inquiry, it is respectfully requested that the Committee to review the contents of the submission with a lens of practicality and reality. Our staff are not superheroes expected to work around the clock or be placed in dangerous situations with animals that could be avoided by providing tools to make informed decisions. Likewise, there needs to be no further welfare impacts to animals that experience extreme distress in our pound facilities for unreasonable timeframes. I would like the Committee to consider entrusting our experienced and dedicated Council staff with the

discretion to make informed decisions and come to a mutually agreeable threshold of when our systems are no longer serving the welfare of animals. Likewise, I urge the Committee to consider the issues effecting regional councils at the minute, such as lack of services, trades, and professionals to carry out vet work, training, and resource sharing. Regional Councils make up the majority of the geographical area in NSW yet have not been considered in the enactment of these amendments and constraints.

Given that this submission details organisation-specific animal welfare information that is sensitive in nature it is requested that this submission be maintained as confidential and not published on the Inquiry website.

Should you require any additional information concerning this inquiry, please contact, Council's Manager Regulatory Services Mr Landon Brady during normal business hours of 9:00am to 5:00pm, Monday to Friday on (02) 6799 6866 or by emailing [council@narrabri.nsw.gov.au](mailto:council@narrabri.nsw.gov.au).

Yours faithfully

**Robert Williams**  
General Manager