

**Submission
No 81**

INQUIRY INTO POUNDS IN NEW SOUTH WALES

Organisation: Sentient, The Veterinary Institute of Animal Ethics

Date Received: 18 August 2023



The veterinary voice in animal welfare

Legislative Council Inquiry into Pounds in New South Wales Submission by Sentient, The Veterinary Institute of Animal Ethics

Introduction

Sentient is an independent Australian veterinary association dedicated to animal welfare advocacy based on the ethical implications of animal sentience and the findings of animal welfare science. Our members are represented in academia, private practice (companion, equine and large animals), non-government, government and industry settings, with expertise in many fields including animal welfare, animal behaviour, clinical medicine, zoo and wildlife medicine, epidemiology and the use of animals in teaching and research. A number are qualified specialists in particular disciplines or have extensive experience within industries such as live export, horse racing and greyhound racing. Sentient has presented at international and national conferences, published papers, contributed numerous submissions to state and federal government inquiries, and provided evidence at parliamentary public hearings. We also host final year veterinary science students for Public, Industry and Community placements in animal welfare advocacy. Sentient is registered with the Australian Charities and Not-for-profits Commission.

We welcome the opportunity to participate in this inquiry into pounds in New South Wales (NSW). Australia is a nation of pet lovers with high levels of companion animal ownership and in recent years there has been a growth in the number of dogs and cats in households. In 2022, Animal Medicines Australia released a national survey of pets and people in Australia¹. The findings of this survey showed that by November 2022, pet ownership had stabilised after the pandemic boom, with 48% of all households owning at least one dog (up from 40% in 2019) and 33% of households owning at least one cat (up from 27% in 2019).

Despite the stabilisation of pet ownership since the pandemic, there is now concerning evidence that the cost of living and housing crises are associated with an increase in pet relinquishment and a significant drop in adoptions in other states.² This situation is leaving shelters and pounds over capacity, with some unable to accept private surrenders. We see no reason why this would not also affect NSW. It is therefore timely that this inquiry addresses the existing state of animal pounds, with recommendations to the state Government to overhaul this system to ensure the welfare of companion animals who are found lost, stray, abandoned or injured or who are relinquished. These animals are sentient beings and must not be disposed of but rather, deserve respect, care and appropriate rehoming.

In addressing the following terms of reference we have taken the term 'pounds' to mean council pounds but most of our comments are also applicable to shelters operated by charities.

¹ [AMAU008-Pet-Ownership22-Report v1.6 WEB.pdf \(animalmedicinesaustralia.org.au\)](#)

² [Animal shelters overflowing as cost-of-living pressures prompt record pet surrenders - ABC News](#)

Terms of Reference:

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

We are unable to comment on the adequacy of funding towards the operation of pounds by local and state governments, but all the issues we expect will be raised by this inquiry suggest they are severely under-funded. Regarding shelters run by charities, the extremely low levels of state Government funding are concerning. RSPCA NSW is a non-government organisation and charity that runs shelters, veterinary hospitals, an inspectorate service, education, and community outreach where animals are owned by people who are homeless, elderly, socially isolated, struggling with mental health challenges or experiencing domestic violence. Yet, according to their website, 'RSPCA NSW receives less than two per cent in regular funding from the NSW Government and zero per cent from the Federal Government.'³

Another resourcing challenge is the current veterinary workforce shortage in NSW. This risks the following detrimental impacts on the welfare of animals in shelters and pounds:

- The volume of animals in shelters exceeds staff capacity to provide adequate care, worsened by the current increase in pet surrenders in the context of high cost of living pressures
- US research has found that delays in access to veterinary care in shelters places animals at risk of longer stays before being rehomed, deterioration in behaviour and mental state, overcrowding, increased spread of infectious diseases, and higher rates of euthanasia⁴
- Pressure to speed through desexing surgeries can lead to more tissue damage, which causes additional and preventable post-operative pain
- Dealing with contagious diseases at high volumes may mean individual animals are not made as comfortable as they could because they need to be treated en masse
- Difficulties in recruiting experienced veterinarians place high pressure on new graduates who are expected to 'hit the ground running' as they develop their surgical and medical skills. This is unfair to these veterinarians and increases the risk of emotional burnout and errors in veterinary care.

³ <https://www.rspcansw.org.au/who-we-are/about-rspca-nsw/#1500602646477-e31c26ac-8102>

⁴ <https://sheltermedicine.veterinarymed.ufl.edu/2023/02/05/california-veterinary-shortage/>

Sentient advocates not only state Government funding of reputable shelters currently run by charities, but also specific funding dedicated to building veterinary teams led by a majority of experienced veterinarians who are paid salaries commensurate with their skills.

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

We have not conducted inspections of pound buildings and facilities in NSW but are aware of media reports of dogs being kept in overcrowded, filthy conditions in some council pounds. We would advise that pounds should meet the following criteria recommended by the Australian Veterinary Association's policy on animal shelters and municipal pounds⁵ (see below):

- Pens should be constructed to house up to two adult animals as a maximum, even at peak usage.
- Housing design should ensure that the animals' health, welfare, physiological, behavioural and social needs are met.
- All pens should be secure against accidental escape. Ideally, there should be a second barrier between the enclosure area and the outside environment.
- Pens should be designed to reduce transmission of disease, taking into consideration air flow, cleaning and other factors relating to hygiene and potential for disease spread.
- "Drop-off" boxes for animals after hours need to be adequately monitored to prevent injured animals being deposited, with subsequent delays in treatment that would negatively affect that animal's welfare.
- The building and individual cages and runs should be constructed of impervious material with a rounded contour at the wall-floor junction to facilitate cleaning and disinfection.

The following facilities also should be provided:

- heating and cooling that are appropriate for the needs of the animal
- hot and cold running water
- appropriate air quality, ventilation, lighting and noise control
- facilities for sanitary disposal of animal wastes, cadavers, food scraps and similar material, with a regular pick-up of such waste from the facility (at least three times per week)
- facilities for feed storage for at least 5 days' supply of dry food feeding and stable drinking utensils that are either disposable or able to be disinfected
- four types of housing areas-general holding pens, quarantine pens, exercise areas and isolation pens
- first-aid treatment area with:
 - table that can be disinfected

⁵ [Animal shelters and municipal pounds \(ava.com.au\)](http://ava.com.au)

- lighting and shelving
- first-aid materials, including dressings and disinfectants to treat open wounds.

Facilities that fail to meet all these criteria should be upgraded as soon as possible, with animals placed in foster care for the duration of any building work that would cause them distress or disruption. We are particularly concerned by anecdotal reports of shelter after-hours drop-off boxes that are unmonitored or poorly monitored and advocate that drop-off boxes be replaced by face-to-face managed intake processes, including after-hours where possible.

(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

Housing: One of the primary welfare challenges faced by animals in pounds is the provision of appropriate housing. Pounds operate under crowded conditions, leading to high levels of stress and an increased risk of disease transmission. There is an inherent challenge in optimising for both hygiene and sufficient environmental enrichment, both of which are critical for animals' well-being. While typical concrete and metal fence style structures are advantageous from a cleaning perspective, they are very cold and barren, and fail to provide for animals' social needs - either by depriving them of opportunities to communicate with conspecifics or by overwhelming them from too much noise.

Bedding: A comfortable and clean sleeping area is essential for the psychological and physical comfort of animals in pounds. Inadequate bedding can lead to pressure sores and discomfort from hard surfaces and the cold. This is particularly of concern for older animals and/or those suffering arthritis or other conditions that make it uncomfortable to rest on hard surfaces. It is our understanding that it is common for the bare minimum of bedding to be provided, such as a single towel or blanket, or a basic sling bed with a towel. The provision of adequate soft bedding materials is challenging given budget and staffing limitations, which limit how much washing can be done and how much bedding can be provided.

Exercise: Regular exercise is essential for maintaining physical and mental wellbeing. However, animals in pounds often have limited access to exercise opportunities due to the lack of adequate space and human resources. This leads to heightened rates of boredom, stress, and associated problem behaviours.

Enrichment: As with exercise, environmental enrichment is crucial for reducing stress and improving wellbeing but is generally limited to non-existent in pound settings. As much as possible and where appropriate for an animal's temperament, animals should be allowed to interact with

conspecifics and/or humans, have access to breed, age, and size-appropriate toys, and be fed out of “puzzle-style” feeders instead of conventional bowls, as they provide beneficial stimulation. All shelter animals should be provided with choice in environmental enrichment and their use of and reactions to various options should be monitored. Cats usually receive less enrichment in shelters and pounds compared to dogs, who are regularly taken out for walks or training. Cat-specific enrichment strategies should include hiding-boxes⁶ and a variety of other options, including sensory and social enrichment and assessments to determine their preference for enrichment stimuli to promote natural and interactive behaviours.⁷

Veterinary Treatment: Access to timely and appropriate veterinary care is critical for maintaining the health and welfare of animals in pounds. Many animals in pounds have pre-existing health conditions or suffer from injuries, neglect, or abuse. Pounds need adequate funding and resources to provide necessary medical treatment, including preventive care, diagnosis, and treatment of diseases, as well as pain management in a timely manner. Animals should not be euthanased for treatable medical or behavioural conditions.

Vaccination: Vaccination is a crucial aspect of managing animals in group settings, as it helps to prevent the spread of contagious diseases. However, given vaccines typically take longer to take effect than the duration of impounding, in-pound vaccination cannot be relied upon to prevent spread of diseases such as parvovirus, kennel cough, or cat flu. We propose that vaccination protocols be implemented in unison with adequate quarantining and infectious disease control for all incoming animals.

Desexing: Animals should leave pounds desexed and microchipped. We propose that this be paid for by governments, and the costs transferred to owners upon reclaiming their pets. Where animals are adopted, the costs could be transferred to new owners at a discounted rate.

(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

⁶ Ellis JJ et al (2017). Environmental enrichment choices of shelter cats. Behavioural Processes 141 (3), pp. 292-296. <https://www.sciencedirect.com/science/article/abs/pii/S0376635716302984?via%3Dihub>

⁷ Hauser B and Vitale KR (2022). Increasing shelter cat welfare through enrichment: A review. Applied Animal Behaviour Science 248. [Increasing shelter cat welfare through enrichment: A review - ScienceDirect](https://doi.org/10.1016/j.apbsci.2022.106111)

We propose that the *Companion Animals Act 1998 (NSW)*⁸ be amended to allow members of the public or reputable animal organisations to hold stray animals as an alternative to pound facilities, provided these parties are willing to do so, and that there is some form of central oversight over the animals' care. This would allow animals to be cared for in less stressful environments, reduce the risk of acquiring infectious diseases, and take pressure off pounds. Such an arrangement would merely formalise what is already occurring and would optimise animal welfare.

The "Issues Paper: Rehoming of Companion Animals in NSW"⁹ reports significant reductions in the number of dogs entering council pounds since 2012/2013:

"There has been a large reduction in dogs entering council pounds, while cats have been fairly stable. There has been a 77 per cent reduction in the number of dogs euthanised and a 50 per cent reduction in the number of cats euthanised, from 2012/13 to 2020/21. The number of animals euthanised because they were unable to be rehomed has fallen sharply, by 93 per cent for dogs and 76 per cent for cats, from 2012/13 to 2020/21."

The exact causes of this are unclear, but the reduction in dogs entering pounds may suggest that at least some of the incentive/disincentive schemes within the Companion Animals Act have helped.

Regarding the NSW Animal Welfare Code of Practice No. 5 - Dogs and cats in animal boarding establishments,¹⁰ our understanding based on anecdotal reporting, is that it is common for pounds to breach many of the following recommendations:

- 2.1 *The Manager of an animal boarding establishment is responsible for:*
 - (a) *provision of accommodation and equipment which suits the physical and behavioural requirements of the animals held*
- 3.5 *Temperature*
 - 3.4.1 *Animals must be protected from extremes of temperature and the environmental temperature controlled to minimise distress to animals.*
 - 3.4.2 *Very old and very young animals which are more sensitive than others to changes in temperature may require provision of heating or cooling.*
- 5.1 *Care of Animals*
 - 5.1.1 *Animals are to be protected from distress or injury caused by other animals.*

⁸ <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1998-087#:~:text=An%20Act%20to%20provide%20for,owners%3B%20and%20for%20other%20purposes.&text=This%20Act%20is%20the%20Companion%20Animals%20Act%201998.&text=This%20Act%20commences%20on%20a,to%20be%20appointed%20by%20proclamation.>

⁹ https://www.olg.nsw.gov.au/wp-content/uploads/2022/05/CIE-Issues-Paper_NSW-OLG_Rehoming-of-Companion-Animals-in-NSW-25052022-final.pdf

¹⁰ [NSW Animal Welfare Code of Practice No 5 - Dogs and cats in animal boarding establishments](#)

5.2.1 Staff should respect animals and should have experience in handling them. Formal training, such as a technical college qualification in animal care, is encouraged.

Furthermore, we advocate for the specifications outlined in the Code to be converted to mandatory Standards, as failing to meet some of these very basic needs can have serious animal welfare consequences. Regarding the training of staff, this should not be optional. We submit that 5.2.1 be amended so that a technical college qualification in animal care is mandatory.

We are concerned that the current enforcement and compliance of the above code is inadequate. One of the most horrifying examples of this is where councils have breached Regulation 6.5.3 of the Code of Practice: *'Euthanasia should only be performed by a veterinarian'*, which we are aware of through reports of council officers in rural areas taking it upon themselves to shoot impounded dogs who did not even require euthanasia.¹¹ Furthermore, there is often a council culture of regarding animals as a nuisance to be managed and of treating owners officiously rather than supporting them in the care of their animals. Sentient advocates that council pounds be subject to unannounced inspections by independent auditors with animal welfare training.

This is a matter of urgency, because tragically, animal cruelty offences are perpetrated in council pounds, and we have no idea of the extent of this. For example, recently the Bourke Shire Council Pound was investigated for animal cruelty, and not for the first time, including dogs and puppies who were underweight, suffering from parvovirus, riddled with ticks and who had been dragged along the ground by the collar in a weakened state.¹²

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

In 2020/21, based on data reported by local councils to the Office of Local Government,¹³ 21,000 cats were impounded in local council pounds in NSW and 32 percent of them were euthanased, mainly because they were 'feral' or infant (the latter of which are presumably litters born from feral cats). Unfortunately, this report does not define the term 'feral', which RSPCA Australia defines as: 'unowned, unsocialised, with no relationship with or dependence on humans and reproduce in the wild'. Either the report is referring to the same population of cats (it did find higher cat euthanasia rates in councils located away from metropolitan centres) or has mis-

¹¹ [Rescue dogs shot dead by Bourke Shire Council due to COVID-19 restrictions \(smh.com.au\)](https://www.smh.com.au/news/animals/rescue-dogs-shot-dead-by-bourke-shire-council-due-to-covid-19-restrictions-20200824-p5311111.html)

¹² [Infamous NSW dog pound hit with more cruelty claims \(thenewdaily.com.au\)](https://www.thenewdaily.com.au/news/nsw/infamous-nsw-dog-pound-hit-with-more-cruelty-claims-20200824-p5311111.html)

¹³ <https://www.olg.nsw.gov.au/wp-content/uploads/2022/05/CIE-Issues-Paper-NSW-OLG-Rehoming-of-Companion-Animals-in-NSW-25052022-final.pdf>

labelled cats as feral when they are actually strays, either unowned or semi-owned.¹⁴ In the same period, 23,000 dogs were impounded and 9 percent of them were euthanased, mainly because they were unsuitable for rehoming. Only about 5 percent of cats were rehomed with their owners, compared with 48% of dogs, suggesting that a significant majority of cats enter pounds because they are unowned or semi-owned.

In our experience, additional factors leading animals to be impounded include owner surrender, often due to behavioural issues but increasingly on the grounds of financial hardship or accommodation issues; inadequate animal enclosures such as fencing; intact/entire animals roaming in search of a mate; animals attempting to escape abuse; and fireworks or thunderstorms causing extreme fear and escape behaviour. After being impounded, animals are understandably less likely to be claimed if they are not microchipped and registered. Costs of reclaiming animals may also be prohibitive for some owners.

It is concerning that most of the reasons for animals ending up in pounds are related to inadequate animal management or to socioeconomic hardship. We propose the following strategies to reduce the numbers of animals ending up in pounds:

- More aggressive and council subsidised desexing campaigns to reduce the number of stray animals and to prevent roaming in search of a mate; this may have a flow-on effect of at least not adding to the population of feral cats
- Stronger monitoring and enforcement of microchipping and registration requirements
- Proof of adequate enclosures before purchasing dogs and cats, such as is required for the keeping of restricted breed dogs in some jurisdictions
- Pet-friendly rental laws and domestic violence shelters to reduce owner surrender for housing reasons
- Council funded socialisation and training classes conducted by suitably qualified professionals (veterinary staff or certified dog trainers) for dog owners to prevent more dogs being relinquished or considered unsuitable for rehoming, which is usually due to behavioural issues. The current veterinary workforce shortage has meant that many new dog owners have been unable to book into puppy pre-schools.

¹⁴ <https://kb.rspca.org.au/wp-content/uploads/2019/01/Findings-and-Recommendations-Identifying-Best-Practice-Domestic-Cat-Management.pdf>

- Local council and veterinary support for community cat programs¹⁵ in targeted areas to assist communities who care for semi-owned cats by offering free desexing, identification, vaccinations and preventative treatments
- Government funding to extend the capacity of pounds and shelters to support foster programs, especially for very young kittens. The common practice of killing kittens who are below a certain body weight (eg., 500kg) despite being in good health is barbaric and cannot be condoned. This should NOT be referred to as euthanasia – it is convenience killing that ends the lives of usually healthy animals who could otherwise have thrived, and causes moral distress and potential burnout in veterinary staff.

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

Sentient cannot comment on the adequacy of reporting of euthanasia rates. We have previously referenced the paper “Issues Paper Rehoming of Animals in NSW”¹⁶ which cites euthanasia rates from 2020-2021 for dogs and cats in local council pounds and lists the main reasons for euthanasia of dogs and cats as: “because they were sick, feral, unsuitable for rehoming, unable to be rehomed, requested to be euthanised by the owner or euthanised because dangerous.” RSPCA Australia’s national figures for 2021-2¹⁷ showed that 12.9% of all dogs and 18% of all cats received nationally in RSPCA shelters were euthanased. Figures for NSW show that for dogs, 78% were euthanased for behavioural reasons, 19% for medical reasons and 3% for legal reasons, whereas for cats, 39% were euthanased for medical reasons, 34% for ‘other’ reasons and 27% for behavioural reasons.

Regarding euthanasia practices, Sentient’s position is that euthanasia should only be performed when it is in the best interests of the animal, which means to end suffering that cannot otherwise be relieved. We advocate policy changes that will reduce the number of unnecessary killings. This would mainly involve the transfer of care by pounds or shelters to other rehoming organisations, who may:

- Seek veterinary care, in instances where the animal would otherwise be euthanased due to disease or injury

¹⁵ [Australian shelters, pounds kill 50,000 healthy cats and kittens a year: Research suggests there's a way to prevent it \(phys.org\)](https://www.phys.org)

¹⁶ https://www.olg.nsw.gov.au/wp-content/uploads/2022/05/CIE-Issues-Paper_NSW-OLG_Rehoming-of-Companion-Animals-in-NSW-25052022-final.pdf

¹⁷ [RSPCA Australia Annual Statistics 2021-2022.pdf](https://www.rspca.org.au/annual-statistics/2021-2022)

- Provide an adoption avenue, in instances where the animal would otherwise be euthanased at the original owner's request, or because the pound was unable to rehome them
- Release animals who have been deemed unsuitable for rehoming - for example due to behavioural concerns - to alternative care arrangements for rehabilitation before rehoming with the assistance of a professional trainer or a veterinary animal behaviourist as required
- Transfer kittens (especially those of low bodyweight) to experienced foster carers who specialise in very young kittens and can care for them outside the shelter environment where they are less likely to catch infectious diseases. Sentient strongly advocates a ban on the euthanasia of healthy kittens based on their bodyweight (such as below 500g) and/or assumptions that they have a lower chance of thriving, which may have repercussions for the retention of foster carers in the shelter system.

Where euthanasia is required to end an animal's suffering, Sentient advocates:

- Euthanasia must only be performed by licensed veterinarians by way of intravenous injection, with or without gaseous or injectable sedative or anesthetic as required to reduce stress.
- Intra peritoneal or intra cardiac injections are unacceptable but it is not uncommon for animals, especially juveniles, to be euthanased via these methods
- Shooting animals is not an acceptable form of euthanasia and yet there have been reports of animals being shot by council pounds in NSW, particularly in rural areas. This is an example of where regulatory oversight has been lacking, allowing a culture of killing to develop in the very places where animals are meant to be safely held until they are united with their owners or rehomed.

Due to concerns that 'euthanasia' is abused in the animal pound/shelter system, Sentient advocates a centralised reporting system throughout the animal shelter/pound system of when an animal is euthanased, by whom, the method used and reason for euthanasia.

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

Behavioural assessments can theoretically be useful in determining the suitability of animals for rehoming. However, they are inherently flawed when conducted in a pound setting because animals are in highly stressful and novel situations, away from their known homes and routines, and therefore not behaving as they would under normal conditions. Sources of stress in the shelter environment can include constant, loud noises and excess stimulation, proximity to conspecifics without choice in this and/or lack of appropriate stimulation. Their behavior in such

settings is not necessarily reflective of how they will behave in a home environment, which reduces the validity of these assessments.

Furthermore, assessments are often typically conducted by poorly trained staff, not by professionals, and there is no guarantee of standardisation to ensure interrater reliability. Some assessments we have heard of include an animal attendant walking a dog up and down in front of small animals in pens. We advocate for standardised protocols for assessments that are conducted by veterinary animal behaviourists, with recognition of the role that the stressors play in situ assessments. Veterinary animal behaviourists also rely on history and on their observation of subtle behaviours to inform their assessments and this is something that requires training and experience. Trial periods by prospective owners may help to mitigate behavioural assessment inadequacies, as owners can test the suitability of the animal to living in their new environment and this would also provide a more appropriate setting for the behavioural assessment.

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

We are unable to offer an informed opinion of the current relationships between NSW pounds and animal rescue organisations but are aware that many reputable rescue groups have links with pounds and can take over the temporary care of animals whose owners have not reclaimed them in the specified period (often 21 days) until they are able to find new homes. There is no oversight over the standards of such rescue organisations, an issue that needs to be rectified, but in general, we believe dogs and cats are much better placed with these organisations than lingering in pounds. For this reason, reputable rescue organisations should receive state Government funding.

(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

Challenges include:

- Feral cats, who by nature are homeless, cannot be rehomed because they are undomesticated, but cannot be released because they are not native and by law must therefore be euthanased. The experience of being captured, transported, and euthanased is highly stressful for feral cats, and they are typically difficult to handle. This experience should not be discounted merely because they are unwanted animals. Ideally, there may be a form of immunocontraception that would help to manage their populations and impacts.

- The volume of homeless cats (both unowned and semi-owned) entering pounds and shelters exceeds the demand by the public for rehoming them
- The volume of young, unweaned kittens exceeds the capacity of carers to care for them, and they are therefore often euthanased
- Homeless cats generally suffer poor health, being exposed to parasites and infectious diseases such as cat flu (Feline Calicivirus and Feline Herpesvirus), Feline Leukemia Virus, Feline Immunodeficiency Virus, Feline Infectious Peritonitis and Feline Enteritis.

Regarding strategies, given that most new cats arriving into stray cat colonies are abandoned pets, priority should be given to educating the public about responsible pet ownership; legislating for permanent identification of all cats using microchips coupled with compulsory cat registration and trace-back; compulsory desexing of all non-breeding cats prior to puberty to prevent unwanted litters and roaming; the licensing of all cat breeders; and encouragement (perhaps via subsidisation) of indoor-only environments, outside cat enclosures, or escape-proof fencing.

Sentient promotes community cat programs¹⁸, which help to support the care by the community of semi-owned cats through offering subsidised desexing, vaccinating, microchipping and parasite control, with the option of removing the better socialised and healthy cats and kittens for adoption where possible. Community cat programs have been well accepted by the community and provide an alternative to the killing of healthy cats and kittens, whilst also reducing the populations of stray cats.

The evidence supports this approach, which reduces euthanasia rates, intakes to animal shelters and shelter costs.¹⁹ In Queensland, high-intensity desexing programs produced a 57% to 93% decrease in euthanasia rates over 18 to 24 months and the following impressive result was reported for RSPCA NSW:

“RSPCA achieved a decrease in cat intake of 31% in the 1st year and 46% in the 2nd year compared to the average cat intake over the previous 4 years from the target suburb (Greenacre). This impressive result was obtained by desexing just 8.5 cats/1000 residents over the 2 years using a microtargeted approach within the target suburb. In the first year of the microtargeted program in Canterbury-Bankstown, the estimated savings in sheltering costs was \$100,000.”

There has been some success with “Trap-Neuter-Release” programs, where stray cats are trapped, desexed, and released into their original environment.²⁰ There are numerous potential issues with

¹⁸ [Community Cat Programs – Australian Pet Welfare Foundation](#)

¹⁹ [Aust-Community-Cat-Program-2022-MidYear-Report.pdf \(petwelfare.org.au\)](#)

²⁰ <https://www.sentient.org.au/cat-population-control>

this form of population control, however, including: that the re-introduction of non-native animals may conflict with local legislation and poses the risk of predation on native fauna; and significantly, that for programs to be successful, there needs to be closed population pools, which is impossible in most settings.

Sentient strongly opposes the use of poison as a method of population control for feral cats as it is inhumane, leading to a slow and painful death, and poses risks to non-target species.

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

We trust that our evidence supports the case for an urgent and comprehensive overhaul of the system of pounds and shelters in NSW.

Sentient supports the following recommendations, adapted from Animal Liberation's "NSW Pound & Shelter Reform" proposal:²¹

1. Introduce a fully funded, mandatory and legally enforceable NSW pound and shelter 'duty of care' regime, with a focus on rehabilitation, rehoming and adoption, including the development of a Code of Practice for all impounded animals in NSW pounds and shelters;
2. Immediately halt all NSW pound and shelter shooting and discontinue all 'euthanasia' methods apart from intravenous injection for compassionate reasons;
3. Immediately end all pound and shelter 'euthanasia' procedures being undertaken by anyone apart from qualified and licensed veterinary practitioners;
4. Carry out comprehensive, independent, unannounced, frequent audits of:
 - o all NSW impounding facilities to identify the level of compliance/non-compliance and
 - o all NSW impounding practices, procedures, policies, including euthanasia rates and reasons
5. Introduce mandatory Local Government Council Strategic Companion Animal Management Plans ('SCAMPs') with attached policies and KPI's to enable ongoing 4 yearly 'local' public consultation periods, reviews and improvements in line with evolving public expectations.
6. Substantially overhaul the Companion Animals Act to include a revised focus on all impounded animals, regardless of species;
7. Establish a new OLG NSW Pound and Shelter Reform website, including an online complaint form and 1800 'hotline' tailored specifically for public pound and shelter complaints and concerns;

²¹ <https://www.al.org.au/nsw-pound-shelter-reform>

8. Enhance inspection and enforcement powers for agencies authorised under POCTAA to undertake routine NSW pound and shelter inspections and enforcement.
9. Conduct a comprehensive review and overhaul of the NSW Companion Animals Fund, including an assessment of evidenced outcomes and how it is distributed and managed;
10. Introduce an annual grants program for NSW not-for-profits, including self-funded and volunteer rescue, rehoming and advocacy organisations;
11. Introduce NSW pound and shelter initiatives to support vulnerable or at-risk animal owners or caregivers during periods of intense need, to keep animals in homes and ensure the welfare and wellbeing of both humans and animals. This should include those experiencing:
 - Financial stress, homelessness or are at risk of homelessness;
 - Domestic violence;
 - Emergency management incidents (e.g., bushfires and floods) and;
 - Physical or mental health issues, including hospital stays or other medical needs

In addition to the above points, based on our evidence in this submission we propose:

- State government funding of reputable shelters currently run by charities, with specific funds designated for use by shelter veterinary hospitals
- NSW Animal Welfare Code of Practice No. 5 - Dogs and cats in animal boarding establishments recommendations to be converted to mandatory Standards
- An urgent inspection and upgrading of pounds and shelters that fail to meet the care standards of animals, including for enrichment, with the aim of developing standardisation and high-quality care
- The *Companion Animals Act 1998 (NSW)* be amended to allow members of the public or reputable animal organisations to hold stray animals as an alternative to pound facilities, provided these parties are willing to do so, and that there is some form of central oversight over the animals' care
- Prospective owners be assessed prior to rehoming to ensure they can adequately care for the animal
- Pound staff have basic knowledge of wildlife handling and an efficient means of handing wildlife over to designated wildlife carers as soon as possible - ideally within a few hours given high potential for stress, dehydration, and/or hypoglycemia
- A requirement that all pound staff receive a mandatory technical college qualification in animal care and that they receive animal behaviour training
- Council pounds be subject to unannounced inspections by independent auditors with animal welfare training. Preferably this would occur by enhancing the inspection and enforcement powers for agencies authorised under POCTAA.

- Strategies to reduce the number of animals ending up in pounds, including:
 - council subsidised desexing campaigns
 - stronger monitoring and enforcement of microchipping and registration requirements
 - proof of adequate enclosures before purchasing dogs and cats
 - pet-friendly rental laws and domestic violence shelters to reduce owner surrender for housing reasons
 - council funded socialisation and training classes conducted by suitably qualified professionals (veterinary staff or certified dog trainers) for dog owners to prevent more dogs being relinquished or considered unsuitable for rehoming
 - local council and veterinary support for community cat programs in targeted areas to assist communities who care for semi-owned cats by offering free desexing, vaccinations and parasite prevention
 - State government funding to extend the capacity of pounds and shelters to support foster programs, including the training of specialised carers for puppies and kittens
- A ban on the common practice of killing kittens who are below a certain body weight (eg., 500kg) despite being in good health or having a treatable condition
- Measures to reduce current euthanasia levels, including referral of animals from pounds to rescue organisations and the provision of support from a veterinary animal behaviourist during foster care rehabilitation
- Euthanasia must only be performed by licensed veterinarians by way of intravenous injection; Intra peritoneal or intra cardiac injections are unacceptable
- A ban on shooting impounded animals with criminal charges laid for any further incidents
- A centralised reporting system throughout the animal shelter/pound system of when an animal is euthanased, by whom, the method used and reason for euthanasia
- A ban on the use of poisons such as 1080 to control feral cat populations
- Establishing a new OLG NSW Pound and Shelter Reform website, including an online complaint form and 1800 'hotline' tailored specifically for lodging complaints about pounds and shelters
- The establishment of a State Animal Welfare Commission to run and staff council pounds. Pending this, as an interim measure, the appointment by the state Government of an executive officer to oversee the administration by council staff of council pounds with the object of creating No Kill shelters (which of course would allow humane euthanasia on medical grounds) where the welfare of the animals is paramount (see section k). This would be subject to observance by councils of judicial orders.

k) Any other related matter: Proposed revised role of councils

Sentient advocates the establishment of a State Animal Welfare Commission, a statutory body independent of the Department of Agriculture's influence by way of the appointment of its members. There is no culture of proper animal welfare in the councils or the Department of Agriculture. Each views animals as a matter of management, not welfare. In the case of pounds, welfare must be paramount. This is because of not only the conditions in which animals are kept, but the notion that their lives in the absence of a new owner are finite and short, usually 21 days, due to the ongoing high demand for places. This in turn points up insufficient deployment of resources that would prevent a vulnerable animal from being killed. Only the state Government will have the funds to partner with councils in establishing sufficient resources. Ideally, the council would provide shelters, but the state Animal Welfare Commission would run these shelters, replacing existing council staff with its own personnel and converting the present pounds to No Kill shelters.

Sections 47 and 48 of the *Companion Animals Act 1998 (NSW)*²² in the case of a dog causing serious injury provides for the forfeiture of its life as a last resort. Section 47 provides for a court to make a control order for the behavioural or socialisation training of the dog or training that is associated with responsible pet ownerships: see Section 47 (3). Section 48 provides, amongst other things, that a court must not make a destruction order unless it is satisfied that the making of a control order will not be sufficient to protect the public from any threat posed by the dog. Such a prohibition extends also to an order permanently removing the dog from its owner. This provision is consistent with the notion that a good owner usually means a good dog and a poor owner usually means a dog at risk. Most dogs are capable of rehabilitation. This is recognised in the NSW Act by Section 47 and its control orders.

No less than the High Court of Australia in the case of *Isbester v. City of Knox* canvassed whether measures other than destruction could be taken.

From para 29, *Isbester v City of Knox* [2015] HCA 20; 255 CLR135:

"29. The discretionary powers of the Council under the Act with respect to dogs are broad, consistently with their protective purpose. The question for the Council, and its delegates, in exercising the power under s 84P(e) involves the safety of the public. Matters relevant to the decision would include a dog's propensity for attacking dogs and persons and whether measures other than destruction could be taken without exposing the public to an unacceptable risk of harm, for example whether the animal could be effectively restrained."[emphasis added]

²² <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1998-087#:~:text=An%20Act%20to%20provide%20for,owners%3B%20and%20for%20other%20purposes.&text=This%20Act%20is%20the%20Companion%20Animals%20Act%201998.&text=This%20Act%20commences%20on%20a,to%20be%20appointed%20by%20proclamation.>



The veterinary voice in animal welfare

Accordingly, vulnerable animals in a pound, usually without blemish, should not have a limited time (usually or often 21 days) to be reclaimed or have their lives terminated. Statutory laws and agencies should reflect society's moral norms and the public interest in proper animal welfare. Otherwise, why have an animal protection statute?

Pending the establishment of a State Animal Welfare Commission, one solution for the parliamentary committee to consider would be the appointment by the State government in respect of a designated number of municipalities of an executive officer to oversee the administration of relevant council pounds. The terms of appointment of such an officer would need to stipulate as an object that his or her principal duty is to ensure that:

- a) the immediate creation of pounds which act as a 'No Kill' shelter
- b) the welfare of the animal occupants of the shelter is paramount
- c) sound relationships are established with NGOs or animal rescue organisations to promote the rehoming of animals at an early opportunity where they are not reclaimed by their owners
- d) the period for reclaiming an animal by an owner is enlarged to 90 days and that by a social media page or otherwise, animals in the pound are identified by their photograph and breed particulars

The object here as an interim measure is to change the culture of the council pending any establishment of a State Animal Welfare Commission.

Contact: Dr Rosemary Elliott, President
(contactus@sentient.org.au)

18/8/2023