

**Submission
No 83**

INQUIRY INTO POUNDS IN NEW SOUTH WALES

Organisation: NSW Government

Date Received: 18 August 2023



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Our Reference:
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The Hon. Emma Hurst MLC
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Portfolio Committee No. 8 - Customer Service
Parliament of NSW
SYDNEY NSW 2000

Via email: portfoliocommittee8@parliament.nsw.gov.au

Dear Ms Hurst

Re: Parliamentary Inquiry on Pounds in New South Wales

Please find the attached the Whole of Government submission to the NSW Parliamentary Inquiry on Pounds in New South Wales.

Should you require any further information regarding the submission, you can contact Tegan Styles, Director Parliamentary and Government Services,

Yours sincerely

Brett Whitworth
Deputy Secretary, Local Government

Pounds in NSW

**NSW Government Submission to the Inquiry
into Pounds in NSW**

August 2023



OFFICIAL

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Executive summary

The NSW Government welcomes the opportunity to provide this submission to the Parliamentary Inquiry into Pounds in New South Wales (NSW). The submission outlines the current legislative framework governing the operation of pounds, companion animals, and animal welfare in NSW (Part 1) and responds to the inquiry's terms of reference (Part 2).

The NSW framework for companion animals is underpinned by the principle of responsible pet ownership and the premise that cat and dog welfare and management is a whole of community responsibility.

Ultimately, the goal of the NSW legislative and regulatory framework is to minimise the number of animals entering pounds and shelters and ensuring the best outcomes possible for all animals entering pounds in NSW.

There have been substantial improvements in rehoming companion animals in NSW, particularly for dogs. Between 2012 and 2021 there was a 77 per cent reduction in the number of dogs euthanised in NSW pounds and shelters, and a 50 per cent reduction in the number of cats euthanised.

The legislative framework for companion animals and animal welfare are captured by two key Acts and their subordinate regulations, codes and standards, specifically:

- The *Companion Animals Act 1998* (CA Act) and the Companion Animals Regulation 2018. This Act and regulation governs the ownership and management of companion animals in NSW. It sets out the concepts of responsible pet ownership and the penalties where those concepts are not met.
- The *Prevention of Cruelty to Animals Act 1979* (the POCTA Act), the Prevention of Cruelty to Animals Regulation 2012 and supporting regulations, codes, and standards. These govern the welfare of animals in NSW, including companion animals both in the community and those held in pounds. The POCTA Act similarly has penalty provisions to respond to failures to meet the expectations of behaviour set out in the legislation.

Under the companion animal legislative framework, councils are responsible for ensuring pound facilities are available. All NSW council pounds must adhere to the stringent animal welfare requirements outlined in the POCTA Act and Regulation, including to prevent animal cruelty, promote animal welfare and care for each animal according to its needs.

While council pounds must meet animal welfare requirements under the POCTA Act, it is the NSW Police Force, the Royal Society for the Prevention of Cruelty to Animals NSW (RSPCA NSW), and the Animal Welfare League NSW (AWL) that are responsible for investigating animal welfare concerns in council pounds and determining the appropriate action in instances of non-compliance.

Council activities and services are typically funded from a range of different revenue sources including rates, fees, and services charges. There are three additional revenue sources available for councils to help fund the costs of companion animals. These are:

- Payments from the Companion Animals Fund
- Charges to owners on the release of seized pets

- Revenue from enforcement action.

In 2022, the NSW Office of Local Government (OLG) undertook a Rehoming Practices Review to provide a comprehensive analysis of rehoming arrangements for companion animals in NSW, with the aim of reducing unnecessary euthanasia and increasing successful rehoming. The information gathered during this review will be considered by the NSW Government.

To assist with animal identification and reuniting companion animals with their owners, the OLG is delivering a new digital pet registry system. The new pet registry is aimed at making it easier for pet owners to register their pets. The new system will encourage responsible pet ownership through electronic communications to remind owners about registration payments, desexing, vaccinations and regular health checks for their pets.

A common solution to assist with determining outcomes for companion animals in pounds is to conduct a behavioural assessment. However, behavioural assessments in the pound environment might not accurately reflect a dog or cat's behaviour in a home environment. Furthermore, any objective behavioural assessment tool is difficult to develop because its implementation remains dependent upon the subjectivity of the assessor. This has been supported by key industry stakeholders, including the RSPCA.

Many councils have strong relationships with rehoming organisations in their area and work cooperatively to manage capacity issues and seek the most suitable arrangements for companion animals awaiting adoption. The introduction of reforms arising from the *Companion Animals Amendment (Rehoming Animals) Act 2022* have been designed to further improve the relationship between rehoming organisations and NSW pounds.

The CA Act does not require cat owners to prevent their cats from roaming beyond their property. Any restriction on roaming cats would need to be supported by an increase in seizures of owned, semi-owned and unowned cats, with a possible consequence of increased euthanasia rates. Councils and their communities are encouraged to work collaboratively to promote responsible pet ownership and to address specific cat issues in their area. To support this effort, a range of measures and incentives have been implemented in recent years which aim to alleviate the burden on pounds and animal rescue organisations, lower euthanasia rates and mitigate challenges posed by feral, stray and roaming cats, and their impacts on native species and community amenity.

Part 1 - Introduction and background

The NSW Government recognises the importance of pet cats and dogs to the wellbeing of families and individuals across NSW. With over 4.7 million known pet dogs and cats in NSW, the framework for companion animals is underpinned by the principle of responsible pet ownership and the premise that cat and dog welfare and management is a whole of community responsibility.

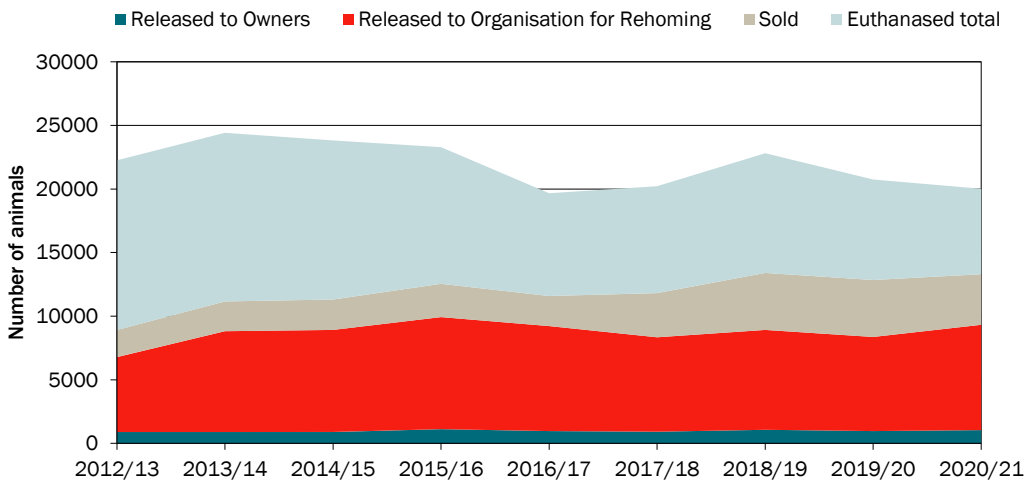
Responsible pet ownership is the preferred policy objective to address many of the challenges faced within the current system, whether it be roaming cats, overbreeding, dog attacks, failure to desex, or improving impounding outcomes. This is reflected in the NSW regulatory and legislative framework, which is based on responsible pet ownership leading to optimum health and welfare outcomes for both the community and pets.

Ultimately, the goal of the NSW legislative and regulatory framework is to minimise the number of animals entering pounds and shelters, and achieve the best possible outcomes for all animals entering pounds in NSW.

The current framework has been successful in creating a continual decline in the number of dogs and cats entering pounds. The number of dogs and cats unable to be rehomed and consequently euthanised is also continuing to decline.

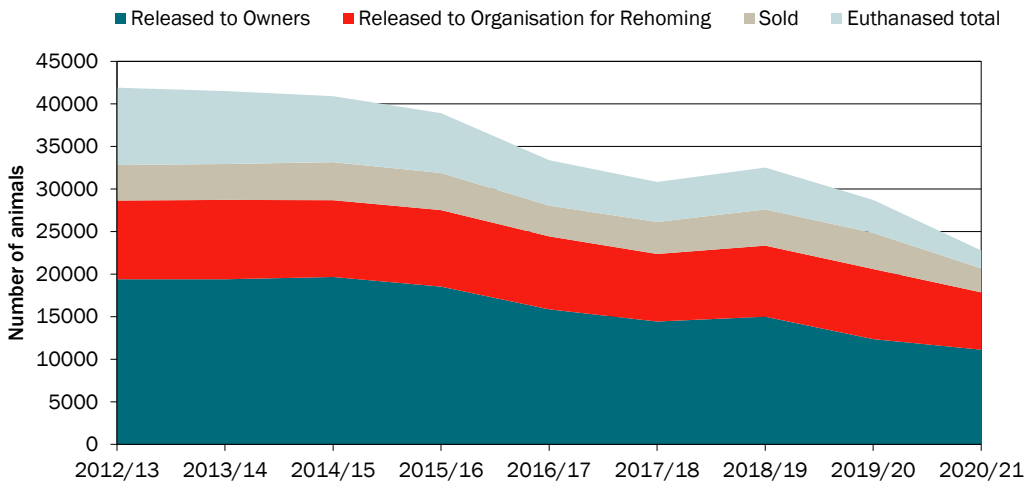
Figures 1 and 2 below show the trend data on the number of cats and dogs respectively entering pounds and subsequent outcomes from 2012/13 to 2020/21.

Figure 1 - Outcomes for cats entering pounds – 2012/13 to 2020/21¹



¹ CIE analysis based on data from NSW OLG at <https://www.olg.nsw.gov.au/public/dogs-cats/responsible-petownership/pound-and-dog-attack-statistics/> and previous years data provided by NSW OLG

Figure 2 Outcomes for dogs entering pounds — 2012/13 to 2020/21²



The decline in euthanasia rates and the number of cats and dogs entering pounds is a long-term trend and reflects the hard work of all involved, including those responsible for operating council pounds, volunteers supporting rehoming organisations, and responsible pet owners.

The legislative framework

The legislative framework for the operation of pounds, companion animals and animal welfare in NSW is captured by two key Acts and their subordinate regulations, codes and standards:

- The *Companion Animals Act 1998* and the *Companion Animals Regulation 2018*. These govern the ownership and management of companion animals in NSW.
- The *Prevention of Cruelty to Animals Act 1979*, the *Prevention of Cruelty to Animals Regulation 2012* and supporting regulations, codes, and standards. These govern the welfare of animals in NSW, including companion animals both in the community and those held in pounds.

The framework is explained in further detail below.

Companion Animals Act 1998

The key piece of legislation regulating the expectations and obligations for the ownership and management of companion animals in NSW is the *Companion Animals Act 1998* (CA Act) and the *Companion Animals Regulation 2018* (CA Regulation). The Minister for Local Government is responsible for administering the CA Act, the principal object of which is to provide for the effective and responsible care and management of companion animals. Under the CA Act, councils are given both the responsibilities and the enforcement mechanisms to deal with breaches of the Act.

The Office of Local Government (OLG) supports councils to undertake their responsibilities through the provision of guidance on how to exercise council functions under the CA Act. Councils also

² Data source: CIE analysis based on data from NSW OLG at <https://www.olg.nsw.gov.au/public/dogs-cats/responsible-petownership/pound-and-dog-attack-statistics/> and previous years data provided by NSW OLG.

receive funding from companion animals registration fees to help cover the costs associated with companion animal management, including the operation of pounds and shelters.

Originally the CA Act was primarily focussed on reuniting lost animals with their owners but over time has evolved to focus more on regulating and supporting responsible pet ownership in all its forms. The evolution of the Act includes new provisions and frameworks to respond to increased community expectations and now includes elements such as the collection of mandatory pound data, dog attack reporting and the strengthening of dangerous dog controls.

Attachment A provides a more detailed history of companion animals legislation in NSW.

Under the CA Act, councils are responsible for managing companion animals in their local areas. Councils are required to seize and hold companion animals in a way consistent with the *Prevention of Cruelty to Animals Act 1979* (POCTA) and when a member of the public surrenders a companion animal as conferred by the CA Act. These responsibilities create the obligation for councils to provide and maintain pound facilities. The relevant definition of 'council pound' under Section 5 of the CA Act is a "*place approved by a council for the holding of animals for the purpose of this Act.*"

In accordance with this broad definition, councils may establish and operate their own pounds or enter into arrangements with neighbouring councils and/or other organisations to provide pound services on their behalf. Regardless of the arrangement, the relevant council retains responsibility for all companion animals seized or held by, or on behalf of, that council.

NSW has a one-off lifetime registration fee to incentivise and reduce financial barriers for companion animal owners to register their pets. Registration is important because it allows for the tracking of companion animal ownership, assists in reuniting owners with lost animals and helps to ensure owners recognise their responsibilities. Registration and annual permit fees assist councils with covering costs associated with responsible companion animal management, including pound services and rehoming.

To assist councils, OLG issues guidance on

- identification and registration processes,
- accessing and using the Companion Animals Register (CAR),
- dealing with dangerous, menacing, and restricted dogs,
- rehoming seized and surrendered companion animals, and
- pound data and annual reporting requirements.

This information is available on the [OLG website](#)

Prevention of Cruelty to Animals Act 1979

The welfare of all animals in NSW, including companion animals both in the community and those held in pounds, is governed by the *Prevention of Cruelty to Animals Act 1979* (POCTA), the *Prevention of Cruelty to Animals Regulation 2012* (POCTA Regulation) and supporting regulations, codes, and standards.

The Minister for Agriculture and the Minister for Local Government have joint responsibility for POCTA. The Minister for Agriculture and the Department of Primary Industries (DPI) are responsible for the POCTA Regulation and supporting codes and standards. The Minister for Agriculture and DPI take the lead on the development of animal welfare policy under POCTA. The agencies responsible for enforcing the POCTA Act are:

- the NSW Police Force
- RSPCA NSW, and
- the Animal Welfare League (AWL).

DPI has oversight of RSPCA NSW and AWL via legislated reporting requirements and a memorandum of understanding.

The principal objectives of the POCTA Act are:

- to prevent cruelty to animals, and
- to promote the welfare of animals by requiring a person in charge of an animal
 - to provide care for the animal, and
 - to treat the animal in a humane manner, and
 - to ensure the welfare of the animal, and
- to promote the welfare of dogs and cats by requiring information about them to be provided when they are advertised for sale.

Under the POCTA Act, dog and cat owners are responsible for ensuring the needs and welfare of their companion animals are met throughout their lifetime. Importantly, these responsibilities extend to those responsible for animals held in pounds and other facilities.

Good animal welfare requires disease prevention and veterinary treatment, appropriate shelter, management, nutrition, and humane handling.

Companion Animals Register and NSW Pet Registry

The Companion Animals Register (CAR) was developed as a database to support the commencement of the CA Act and facilitate the reuniting of lost companion animals with their owners.

Since its establishment, successive modules have been added to the CAR as the companion animal legislative framework has evolved, such as the dog attack incident reporting and pound data reporting modules, turning it into a more comprehensive companion animal management tool for councils. However, as the initial focus of the CAR was as on the animal and given its age, the CAR no longer provides the desired level of sophistication, user experience and quality of data. This is

inhibiting animal management outcomes such as accurate transfer of ownership details, successful rehoming outcomes, and accurate data reporting.

The NSW Pet Registry was introduced in 2016 as a public interface to the CAR and enables pet owners to perform simple functions such as updating their personal details or paying their pet's registration fee online rather than physically attending their council.

A new, fit-for-purpose Pet Register is currently in development and aims to combine the functions of the CAR and the existing NSW Pet Registry. The new system will align with the current regulatory environment and respond to increased customer service expectations. Identification and registration

The NSW framework allows for lifetime registration of cats and dogs, in contrast to most other jurisdictions in Australia, where annual registration occurs. Pet cats and dogs must be microchipped and then registered in NSW, with this information recorded in the CAR. The intent is to incentivise the earlier registration and desexing of companion animals, particularly the desexing of cats.

There are currently more than 4 million pet cats and dogs listed on the CAR with approximately 75 per cent dogs and 25 per cent cats. Approximately 50% of all cats and dogs identified on the CAR are registered.

For the past three years there have been more than 100,000 lifetime pet registrations recorded.

Election Commitments

The submission outlines the current legislative and policy framework.

The NSW Government made several election commitments related to animal welfare.

- The Government committed to introducing a new animal welfare framework in NSW including a review of the *Prevention of Cruelty to Animals Act* (POCTA).
- The Government also committed to a new independent Office of Animal Welfare.
- The Government also committed to a review of the *Companion Animals Act 1998* to assess its suitability and ensure that it continues to remain fit for purpose.

The Government is working through implementation timelines on these commitments.

Part 2 - Response to Terms of Reference

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

Under the *Local Government Act 1993* (LG Act), councils are responsible for providing a range of infrastructure and services to support their community, and to carry out their various statutory responsibilities. Council activities and services are typically funded from a range of different revenue sources including rates, fees, and services charges. There are three additional revenue sources available for councils to help fund the costs of companion animals. These are:

- Payments from the Companion Animals Fund
- Charges to owners on the release of seized pets
- Revenue from enforcement action.

Companion Animals Fund

When companion animals are registered, the registration and permit fees are paid into the Companion Animals Fund (the Fund), in accordance with section 84(2) of the CA Act. The State Government provides councils with payments from the Fund.

The Departmental Chief Executive (Deputy Secretary, Local Government) is responsible for management of the Fund under Section 34 of the CA Act. Any money paid to a council from the Fund can only be used by the council for the management and control of companion animals in its local government area. This may include pounds, ranger services, pet infrastructure such as leash free areas, and administration of companion animal registration requirements. For the 2021-22 financial year, \$8,271,976 was paid to councils from the Fund, which equates to approximately 80% of total registration fees collected.

The OLG is reviewing the best way to provide councils with money from the fund to ensure it is applied to meaningful companion animal activities.

Charges to owners on the release of seized pets

Councils can generate additional revenue for the management of their pounds by charging owners a release fee when their pets are seized under Section 65 of the CA Act and held in a council pound. It is up to councils to determine the fee payable and may include the costs associated with ensuring the animal's welfare in the pound, including appropriate food, shelter, maintenance costs and veterinary care. Councils can use their discretion to waive fees in cases where the imposition of such charges may result in the owner surrendering the animal.

Revenue from enforcement action

Councils are also able to take enforcement action for breaches of the CA Act, including for owners failing to register their pets. Councils can retain any fine revenue for enforcement action taken against owners. The maximum penalty for an offence is as follows:

- in the case of a dangerous, menacing, or restricted dog – 60 penalty units (\$6,600) for a first offence or 70 penalty units (\$7,700) for a second or subsequent offence, or
- in any other case – 50 penalty units (\$5,500) for a first offence or 60 penalty units (\$6,600) for a second or subsequent offence.

Councils are also given the power to issue Penalty Infringement Notices (or on the spot fines).

Typically, reimbursement rates for penalty notices issued under the CA Act have been low, with many owners choosing not to pay. Councils would need to go through the Government's debt recovery process to recover any outstanding fines. Additionally, councils typically take an educative approach to reinforce responsible pet ownership rather than a regulatory or enforcement approach.

The total cost of companion animal management to councils in NSW is estimated to be approximately \$43m annually.³ This includes costs relating to provision of care for impounded animals in accordance with welfare laws, infrastructure, staffing, provision and maintenance of off-leash areas, and community education programs and related events.

While lifetime registration is offered in NSW to encourage pet registrations by reducing financial barriers to registration, it also reduces an ongoing revenue stream for the CA Fund.

The challenge presented by lifetime registration when compared to annual registration is that it limits the income for councils to carry out their companion animal management activities, as an annual income stream is replaced by a one-off payment.

It also removes an annual opportunity to compel owners to update their personal details in the Pet Registry if required. For councils that already have high percentage of companion animals in their area registered, the ability to increase revenue is largely dependent on owners of new puppies and kittens.

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

All NSW council pounds must adhere to the stringent animal welfare requirements outlined in the POCTA Act and Regulation including to prevent animal cruelty and promote animal welfare and care for the animal according to its needs. This includes compliance of council pound buildings and facilities.

When establishing and maintaining pounds in NSW, councils can draw information from relevant standards such as the NSW Animal Welfare Code of Practice No 5 - Dogs and cats in animal boarding establishments (Boarding Code). The animal welfare enforcement agencies use these standards when considering whether breaches of the POCTA Act have occurred.

These standards include important guidance in relation to pound buildings and facilities in NSW on matters such as location, construction, size, drainage, temperature, noise, lighting, ventilation, bedding, and security.

³ CIE analysis at https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report_NSW-OLG_Rehoming-of-Companion-Animals-in-NSW.pdf

Many councils voluntarily comply with the Boarding Code housing standards as best practice for their pound operations.

(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.

While council pounds must meet animal welfare requirements under the POCTA Act, the NSW Police Force, RSPCA NSW, and the Animal Welfare League NSW (AWL) are responsible for investigating animal welfare concerns in council pounds and determining any the appropriate action in instances of non-compliance.

DPI is responsible for animal welfare matters under the POCTA Act and Regulation. To provide complementary policy, OLG is continuing to administer the previous Government's Companion Animal Welfare Grants Package. This is a \$46.5 million package to improve animal welfare and rehoming functions, supporting non-government organisations, including:

- \$2.6 million to maintain delivery of specialised companion animal-related services, including:
 - \$1.5 million to the Cat Protection Society for a targeted desexing program,
 - \$350,000 to Greyhound Rescue NSW and
 - \$750,000 to Lucy's Project to support people with animals experiencing domestic violence.
- \$5 million competitive grant program to support companion animal care and rehoming by rehoming organisations (up to \$100,000 per organisation),
- \$26 million to enhance enforcement of the POCTA Act and Regulation (\$20.5 million to the NSW RSPCA and \$5.5 million to the Animal Welfare League NSW), and
- \$12 million to build a new rehoming facility at Kurnell for the Sydney Dogs and Cats Home, serving multiple councils across Sydney.

The CA Act does not grant the Minister for Local Government any statutory power to dictate pound management or compel councils to take action in relation to their pound activities. However, if a council was in breach of a statutory duty, the Minister for Local Government can, working through the OLG, undertake preliminary enquiries or a formal investigation under Section 430 of the Local Government Act.

(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 welfare of all animals in NSW, including companion animals, both in the community and those held in pounds, is governed by the POCTA Act, POCTA Regulation and supporting codes and standards.

Under the CA Act, councils are responsible for managing companion animals in their local areas. This includes the requirement to hold companion animals in a way consistent with the POCTA legislation, both when an authorised officer chooses to seize a companion animal and when a member of the public surrenders one, as conferred by the CA Act.

Companion Animals Act

The CA Act requires councils to have access to or to offer pound services as part of their companion animal management responsibilities. For example, Part 7 section 62 of the CA Act requires seized animals to either be taken to a council pound or approved premises. The CA Act defines a council pound as any place approved by a council as a place for the holding of animals for the purposes of the Act.

The CA Act governs certain aspects of the administration of pounds, including prescribing how seized and surrendered companion animals are to be processed and minimum requirements in relation to rehoming those animals (Part 7). Further, the CA Regulation requires that a companion animal, not otherwise required to be registered under the CA Act that is taken into the custody of a council or an approved animal welfare organisation, must be registered before it is returned to its owner.

The CA Act does not prescribe any requirements as to the conditions in which seized or surrendered animals are to be kept. This is a matter for the POCTA regulatory framework.

Amendments made to the CA Act with the passage of the *Companion Animals Amendment (Rehoming Animals) Act 2022* were aimed at improving rehoming outcomes for impounded companion animals by standardising the rehoming process and creating a consistent approach across all NSW councils. Section 64 and 64A of the CA Act places a duty on councils to consider whether there is an alternative action to destroying the animal and, if practical, to adopt any such alternative. The Amendment Act added a new section 64B which prescribes the alternative actions that councils must take before destroying a seized or surrendered animal.

Like any other council function, compliance with the CA Act and regulations may be monitored and addressed under OLG's Improvement and Intervention Framework in relation to NSW Councils⁴.

The purpose of the improvement and intervention framework is to assist NSW councils to meet good practice and ensure they comply with relevant legislation and standards. The framework provides a diagnostic tool to guide the OLG in identifying appropriate improvement and intervention strategies. As noted earlier, this includes powers to undertake Preliminary Enquiries with councils or to lodge section 430 investigations which are reported to the Minister for Local Government.

POCTA Act and NSW Animal Welfare Code of Practice No 5

In NSW, animal welfare is protected under the requirements of the POCTA Act. There are significant penalties for those who do not comply. The maximum penalties that can be imposed are fines of 1000 penalty units (currently \$110,000) or imprisonment for 2 years for an individual offender, and

⁴ <https://www.olg.nsw.gov.au/wp-content/uploads/Improvement-and-Intervention-Framework-2017.pdf>

finer of 5000 penalty units (currently \$550,000) for a corporate offender. All animal pounds and shelters in NSW must comply with the provisions of the POCTA Act.

In addition, pounds and shelters are strongly encouraged to use the NSW Animal Welfare Code of Practice No 5 - dogs and cats in animal boarding establishments (Boarding Code) as best practice guidance in establishing and operating humane pound facilities consistent with animal welfare obligations under the POCTA Act. The Boarding Code is designed for everyone involved in the holding and care of dogs and cats for boarding. Any business in the course of which dogs or cats are boarded for fee or reward must comply with the Boarding Code. Depending on the nature of their operations, this may include council pounds which provide commercial boarding services and/or veterinary hospital services.

The Boarding Code includes provisions related to the operation of boarding establishments, such as manager responsibilities, appropriate housing for cats and dogs, staffing, hygiene, animal care and health care, staffing, diet, exercise, transport, and rehoming.

Many councils voluntarily comply with the Boarding Code as best practice for their pound operations, even if no commercial boarding services are provided.

As noted earlier in this submission, DPI administers the POCTA Act and enforcement agencies authorised under the POCTA Act are RSPCA NSW, Animal Welfare League NSW, and NSW Police.

The POCTA Act provides powers for inspectors of the appropriate agencies to enter land, examine animals and seize an animal if the inspector suspects, on reasonable grounds, that the animal is in distress or if an offence against the POCTA Act or Regulation is being, has been, or is about to be committed.

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

Factors associated with animals ending up in pounds

The factors influencing the number of animals ending up in NSW pounds is multifaceted and varied. Common reasons for animals being surrendered include:

- Owner moving/rental property restrictions
- Unwanted litter of animals
- Destructive or nuisance behaviour of companion animal
- Affordability, including rising cost of living and related animal expenses.⁵

Government policy also plays a key role in reducing numbers of seized animals, such as changes to residential tenancy laws that make it easier for renters in apartments to keep pet cats and dogs.

⁵ Marston, L.C et al. What happens to shelter dogs? *Journal of Applied Animal Welfare Science*. 7(1), 27-47. Fawcett, A. 2008. Why do cats enter shelters? *Shelter Research*, 6th Ed. 1-3.

In the last few years, the COVID-19 pandemic has had an impact on the number of cats and dogs being adopted, surrendered and rehomed. In the initial phase of COVID-19, people bought and adopted more companion animals while in lock-down and/or working from home. As people have returned to working away from home, many have surrendered or rehomed their animals.

Animals on the Companion Animal Register

The CA Act requires all cats and dogs to be permanently identified (microchipped) from 12 weeks of age and before sale (whichever occurs first). Since its introduction in 1999, compulsory microchipping has been widely accepted by councils, breeder associations, animal welfare groups and pet owners as providing the most effective mechanism of reuniting lost companion animals with their owners.

As of 20 July 2023, there are a total of 4,722,670 companion animals 'identified' (or microchipped) on the Companion Animals Register (CAR). Of these, 3,525,332 are dogs and 1,197,338 are cats. Every year approximately 5,000 cats and dogs are reported lost or missing. Approximately 50 per cent of these are successfully reunited with their owners.

The CAR also provides growing data sets on the nature of companion animal ownership, which can be used for developing policy and evaluating the effectiveness of the current animal welfare and companion animals framework.

Reporting on NSW pound data

NSW collates and publishes more comprehensive data on outcomes from pounds and rehoming approved organisations than other Australian jurisdictions.

Under section 67A of the CA Act, the Departmental Chief Executive may require a council to report on any matter relating to the activities of a council pound operated by the council or the council's agent. Under the Guideline on the Exercise of Functions under the CA Act, all council pound activities relating to seizing and holding companion animals must be reported using an online reporting tool on the CAR. While all pound data for the previous financial year must be lodged by no later than 31 August each year, councils are encouraged to enter information onto the CAR monthly.

Council pound data is primarily collected to help individual councils with their animal management activities. It assists management decisions and is useful for planning, budgeting, reporting, and allocating council resources as well as promotional activities.

The data also provides the NSW Government and community with a quantitative measure to determine the ongoing impact of regulatory reforms and education campaigns aimed at reducing euthanasia rates. Councils using a third party to operate their pound facilities or provide impounding services must still use the online tool to report pound data. Councils must ensure that the third party is aware of the statutory requirement to report pound data and has a suitable mechanism in place to do so.

OLG releases quarterly Pound Data Reports on its website.

The total number of dogs entering pounds has decreased, as has the maximum number of dogs held in all facilities at any single time.

Euthanasia rates for cats entering pounds and other facilities have declined over the past decade but remain high. This is primarily because few cats entering pounds are microchipped and registered, disturbingly reflecting the number of cats that are stray or semi-owned.

The number of cats entering pounds is often harder to ascertain as many are not microchipped when they enter the pound.

Rehoming of Companion Animals in NSW (Review and Draft Report)

In 2022, OLG undertook an important Rehoming Practices Review to provide a comprehensive analysis of rehoming arrangements for companion animals in NSW, with the aim of reducing unnecessary euthanasia and increasing successful rehoming.

Many stakeholders provided valuable input including councils, animal welfare and animal rehoming organisations, regulatory bodies, and veterinary practitioners.

The report has been publicly released in draft form and provides data showing the benefits of microchipping in lowering euthanasia rates by helping councils to quickly identify and return dogs and cats to their owners.

For example, the draft review report identified the decline in the euthanasia rate for cats has been driven by more cats being sold and rehomed, rather than a change in cats released to owners. Cats that are microchipped when they enter a pound are more likely to be released to their owners and less likely to be euthanised. Cats that are desexed are more likely to be both released to owners and adopted, as well as less likely to be euthanised. The report also highlights the effective strategies used by some councils to significantly reducing euthanasia rates.

In addition, the draft review report identified some owner confusion about the identification (microchipping) and registration process in NSW. It includes draft recommendations, covering strategies to incentivise identification and registration of cats and dogs and to maintain up-to-date owner contact details to minimise the numbers of companion animals ending up in pounds.

New digital pet registry

To assist with animal identification and reuniting companion animals with their owners, the OLG is currently in the process of developing a new digital pet registry system. The new pet registry is aimed at making it easier for pet owners to register their pets. The new system will encourage responsible pet ownership through electronic communications to prompt registration payments, desexing, vaccinations and regular health checks.

The new pet registry will make it easier for pet owners to understand and comply with their legislative obligations. It will also make it easier for councils to carry out compliance and enforcement action against irresponsible pet owners. As the new registry will link to other Service NSW platforms, it will also allow for easier use and more effective data recording, which aids policy development and evaluation.

Puppy and Kitten Purchasing Education and Awareness Campaign

To improve breeder knowledge of regulatory requirements and help consumers make more informed decisions, DPI, supported by OLG and NSW Fair Trading, launched an education and awareness campaign for companion animal breeders and consumers in August 2022.

The campaign aimed to improve the welfare of animals being bred by raising breeder and consumer awareness of legislative requirements and responsible breeding practices, and the requirements when transferring ownership of companion animals. The campaign also raised awareness of potential purchasing scams. It can also be expected that helping consumers make more informed purchasing decisions will reduce the number of animals being surrendered.

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

Euthanasia rates

“Adopt not shop” has long been the key messaging for prospective new cat and dog owners. This messaging has been supported through various incentives, such as the introduction of free lifetime registration for companion animals that are desexed and sold to their owner by a council pound or rehoming organisation.

There have been substantial improvements in companion animal rehoming in NSW, particularly for dogs. Between 2012 and 2021 there was a 77 per cent reduction in the number of dogs euthanised in NSW pounds and shelters, and a 50 per cent reduction in the number of cats euthanised.

Rehoming of Companion Animals in NSW (Review and Draft Report)

As flagged above, in 2022 OLG undertook an important Rehoming Practices Review to provide a comprehensive analysis of rehoming arrangements for companion animals in NSW, with the aim of reducing unnecessary euthanasia and increasing successful rehoming.

The draft report from the review provides:

- valuable data demonstrating that the rate of euthanasia in pounds is dropping,
- information about the link between microchipping and owners being able to claim their animals,
- patterns of cats and dogs entering and leaving pounds,
- successes, and problems for animal rehoming in NSW.

The reduction in euthanasia rates can be attributed to key drivers aimed at increasing outcomes for companion animals including:

- community engagement through foster systems and education
- building strong networks and relationships between council pounds and rehoming organisations
- transparency and social media to de-stigmatise pounds and pound animals and present animals in a positive light

- reducing the number of dogs and cats requiring rehoming through:
 - targeted microchipping and desexing programs
 - flexibility in levying of fines, registration, and pound fees.

Annual reporting on companion animals

Under section 217 (1)(f) of the Local Government (General) Regulation 2021 (LG Regulation), councils are required to include in their annual reports a detailed statement of the council's activities during the year in relation to enforcing the provisions of the CA Act and Regulation. The information required includes:

- (a) lodgement of pound data collection returns
- (b) lodgement of data about dog attacks
- (c) the amount of funding spent on companion animal management and activities
- (d) companion animal community education programs carried out and strategies the council has in place to promote and assist the desexing of dogs and cats,
- (e) council's strategies for complying with the requirement under section 64 of the CA Act to seek alternatives to euthanasia for unclaimed animals, and
- (f) off leash areas provided in the council area.

OLG releases quarterly Pound Data Reports on its website. This reporting framework gives local communities and animal welfare advocates visibility over council pound activities. The data also provides the NSW Government and the community with a quantitative measure to determine the ongoing impact of regulatory reforms and education campaigns aimed at reducing euthanasia rates.

Euthanasia standards

All euthanasia practices must comply with the POCTA Act and any other applicable legislation. Where the POCTA Act provides for an animal to be euthanised, it must be conducted in a manner that causes the animal to die quickly and without unnecessary pain.

If an animal is not humanely killed, the person undertaking the activity may be investigated and prosecuted under the POCTA Act.

Where the Boarding Code applies, it provides that euthanasia should only be performed by a veterinarian.

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

Behavioural assessment tools examine behaviour problems such as aggression, food guarding and separation-related behaviours which have been used as indicators of the suitability for an animal to be rehomed. The 2022 Rehoming Practices Review identified that behavioural assessment in the pound environment may not be a good indicator of a dog or cat's behaviour in a home environment because it is difficult to develop an objective behavioural assessment tool due to the inability of

such a tool being able to remove subjectivity. This has been supported by key industry stakeholders, including the RSPCA.

The Government will continue to work with key stakeholders to support councils in undertaking appropriate behavioural assessments. This may include whether an animal is suitable for rehoming, developing training programs for council staff on behavioural assessments, and determining processes for euthanising animals as a last resort where work health and safety concerns have been clearly identified. This work may refer to information gathered during the 2022 Rehoming Practices review.

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

Many councils report that they have strong relationships with rehoming organisations in their area and work cooperatively to manage capacity issues and seek the most suitable arrangements for companion animals awaiting adoption. This was especially apparent during recent COVID-19 lockdown periods when adoption processes had to be put on hold and animals were held in pounds for longer periods.

While it is not a requirement for rehoming or rescue organisations to have a designation as an approved rehoming organisation, accreditation carries with it certain advantages, such as the ability to offer free registration to new owners who adopt a desexed companion animal. Under Section 67A of the CA Act, designated rehoming organisations must report annually to OLG on their activities during each financial year to retain their designation.

A copy of the rehoming organisation's completed annual report should also be provided to every local council from which the rehoming organisation has sourced animals during the reporting period and to any other local council that may request a copy. This provides an overview to councils and the public of the activities and outcomes for companion animals taken into care by designated rehoming organisations.

The introduction of reforms arising from the *Companion Animals Amendment (Rehoming Animals) Act 2022* have been designed to further improve the relationship between rehoming organisations and NSW pounds. The changes prescribe the actions that local councils must take when seeking to rehome a companion animal that has been seized or surrendered. These changes include the need for councils to give written notice to at least two rehoming organisations that an animal is available for rehoming and require the animal remain available for at least 7 days from the date the notice is given. Councils are also required to take reasonable steps to advertise on a webpage or through a social media platform that an animal is available for rehoming.

(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 issues of roaming cats and cat management are complex matters.

A key issue with cat management is the range of interchangeable terms used in relation to different types of cat populations. For the purposes of this submission, the NSW Government is taking the

term 'homeless cats' to mean either unowned or semi-owned domestic cats as per the definitions recommended by the RSPCA in its *Identifying Best Practice Domestic Cat Management in Australia*⁶. Under the CA Act, cats are defined as an animal of the species *Felis catus*, regardless of whether they are domesticated.

Cats are regulated in NSW under several separate laws which intersect in practice:

- as companion animals,
- as animals that are protected to ensure their welfare, and
- as animals that are a potential source of risk to the natural environment.

There are no provisions under the CA Act requiring owners to prevent a cat from roaming beyond the owner's property. This differs from the provisions that relate to dogs, where there is such a requirement. Section 30 of the CA Act states that cats are prohibited only from food preparation/consumption areas and wildlife protection areas.

There are two circumstances under the CA Act where persons, other than authorised officers, may seize cats. These are:

- where the cat is in a public place prohibited under the CA Act; or
- where it is reasonable and necessary for the protection of any person or animal (except for vermin) from injury or death.

These seizures must be consistent with animal welfare laws and a seized animal must be delivered to its owner, a council pound, or other approved premises as soon as possible.

Under the CA Act, there is no limit on the number of cats that a person can keep as long as they are properly cared for and do not pose a nuisance, health or safety risk to other members of the community. However, the LG Act gives councils the power to order the occupier of premises not to keep birds or animals on the premises if they are of an inappropriate kind or number or are kept inappropriately.

Councils and their communities are encouraged to work collaboratively to promote responsible pet ownership and to address specific cat issues in their area. This may be achieved through targeted education campaigns in problem areas. Many councils work in partnership with animal welfare organisations and local veterinarians to provide subsidised microchipping and desexing days and share resources with other councils to improve efficiencies and take up opportunities to improve owner responsibility or roll out targeted education campaigns in a local area. Councils are also able to apply for grants for specific projects from sources such as the NSW Environmental Trust.

Measures such as incentives for early registration have been implemented in recent years which aim to alleviate the burden on pounds and animal rescue organisations, lower euthanasia rates and mitigate challenges posed by feral, stray and roaming cats, and their impacts on native species and community amenity.

These reforms and initiatives include:

⁶ <https://kb.rspca.org.au/wp-content/uploads/2019/01/Findings-and-Recommendations-Identifying-Best-Practice-Domestic-Cat-Management.pdf>

- Lowering the age of desexing for cats to four months (from 6 months) to reduce accidental litters and improve cat health and behaviour
- Annual permit fees for owners who choose not to desex their cats
- Free lifetime registration for companion animals purchased from council pounds, animal shelters and approved rehoming organisations
- 'Good Neighbour' resources released by the Cat Protection Society of NSW and developed with the support of OLG, councils and other stakeholders. This material aims to help pet owners understand the importance of confining cats to their property and provides practical advice and support.
- Promoting responsible pet ownership and improving animal welfare standards is a priority for the NSW Government.

The RSPCA NSW has received a \$2.5 million grant from the Environmental Trust for its 'Keeping Cats Safe at Home' project which launched in 2021. This four-year project aims to improve the welfare of pet cats and reduce the impact they have on native wildlife. The RSPCA NSW is partnering with 11 councils to roll out education initiatives that encourage owners to keep their cats contained.

Some of these issues were canvassed as part of the 2022 Rehoming Practices Review and will continue to be considered by the NSW Government.

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

The NSW Government is committed to ensuring the legislative framework for animal welfare in NSW is fit for purpose. There will be further opportunities for stakeholders and the community to have their say on the legislative and regulatory framework that determine animal welfare outcomes.

Attachment A – Timeline of companion animals legislation

Date	Legislation	Management of lost or wandering dogs
1830	Introduction of <i>Dog Nuisance Act 1830</i>	Dogs loose in the streets of Sydney, Parramatta, Liverpool and Windsor to be immediately killed or destroyed, unless such dog has a collar bearing the name and address of its owner.
1832	Introduction of <i>Dog Nuisance Act 1832</i>	Continued the <i>Dog Nuisance Act 1830</i> for a further three years
1835	Introduction of <i>Dog Nuisance Act 1835</i>	Continuation of <i>Dog Nuisance Act 1832</i> with amendments providing that dogs kept by a person within Sydney, Parramatta, Liverpool, Campbelltown, Windsor, Newcastle, Maitland and Bathurst must have the dogs annually registered by giving a description of the dog to the local police office of office of the petty sessions and payment of a fee. Penalties introduced for dogs attacking persons, horses or bullocks.
1898	Introduction of <i>Dog and Goat Act 1898</i> , consolidating earlier acts relating to the control of dogs and Goats.	Continuation of annual registration requirements. Liability for damages for injury done to any person, property or animal placed on the owner of the dog. Dogs 'at large' without a collar showing the name of the owner to be destroyed.
1966	Introduction of the <i>Dog Act 1966</i> .	Transferred management of 'at large' dogs from Police to Councils and Shires. Annual registration of dogs managed by councils. Councils were required to provide, control and manage places for the 'reception, maintenance, detention and destruction of dogs', or otherwise enter into arrangements with any person to do so on behalf of council.

Date	Legislation	Management of lost or wandering dogs
1967 -1997	Various amendments made to the <i>Dog Act 1966</i> .	
1998	Introduction of <i>Companion Animals Act 1998</i> .	<p>Introduced lifetime registration for cats and dogs. Requirement for central register of cats and dogs provided for and maintained by the Office of Local Government, registration and identification information populated in the register by vets, authorised persons and council.</p> <p>Animals seized under the Act are to be delivered to a council pound or any other place approved by a council as a place for the holding of animals for the purpose of the Act.</p>
<p>1999 – Present</p> <p>2001</p> <p>2005</p>	<p>Various amendments made to <i>Companion Animals Act 1998</i> including:</p> <p><i>Companion Animals Amendment Act 2001</i></p> <p><i>Companion Animals Amendment Act 2005</i></p>	<p>Imposed stronger penalties for existing offences and ensured consistency with relevant offences in the <i>Crimes Act 1901</i>.</p> <p>Introduced offences for breeding, advertising, selling or acquiring a restricted dog and a requirement that existing restricted dogs be desexed, non-compliance resulting in seizure and destruction of the dog. Extended the period available to council officers to seize a dog following an attack and procedures for dealing with animals found in public places. Provided that a seized animal not claimed from an approved premises within 72 hours is to be delivered to a council pound.</p>

Date	Legislation	Management of lost or wandering dogs
2013	<i>Companion Animals Amendment Act 2013</i>	<p>Before destroying a seized animal (other than a restricted animal) it is a duty of the council concerned to consider whether there is an alternative action to that of destroying the animal and adopt that alternative.</p> <p>Introduced the increase of lifetime Registration fees by CPI on an annual basis.</p>
2022	<i>Companion Animals Amendment (Rehoming Animals) Act 2022</i>	<p>Before taking action to destroy a seized or surrendered animal a Council must give written notice to at least 2 rehoming organisations that the animal is available for rehoming and take reasonable steps to advertise on a webpage or through social media that the animal is available for rehoming. The notice period must specify a period of not less than 7 days.</p> <p>If a rehoming organisation notifies council that it is able to rehome the animal council must not destroy the animal and must make arrangements for the collection of the animal within 7 days of a longer period as agreed.</p>